

A Prophetic Law Basis for Strengthening the Values of Indonesian Consumer Protection Law Culture

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Abstract

This study analyzes the factors that cause the weakness of consumer empowerment in Indonesia and conducts a comparison to the other countries in order to strengthen the values of Consumer Protection Law based on the Prophetic Law. This study combines the normative and empirical legal research. The qualitative data used are from primary and secondary sources. The primary data are obtained through interviews with predetermined informants. Secondary data are collected through literature research. The results show that the lack of consumer empowerment is caused by the long distance between the institution implementing consumer protection and the consumer itself. As a result, it is difficult for consumers to access. On the other hand, the methods used to protect consumers are still non-formal. Second, strengthening the values of consumer protection law culture can be done through formal education based on Islamic prophetic values because with such a design, the intensity of consumer education can run in a programmed, organized, and systematic manner, and prophetic values can become the basis of energy to always fight for consumer rights through a critical attitude.

Keywords: *Consumers, Legal Culture, Prophetic Law*

INTRODUCTION

The unbalanced position of consumers vis-a-vis business actors has sparked state intervention to protect them. Consumer protection is not only one country's issue but has become global issue, which indicates the vulnerability of the consumer's position in the market.



This article is motivated by the data that show the low condition of the Indonesian Consumer Empowerment Index (IKK). Reports issued by the Directorate General of Consumer Protection and Trade Order (The Directorate General of PKTN) in 2015-2020 period indicate that Indonesia's IKK capable level is the ability to use consumer rights and obligations to determine the best choices, including using domestic products for themselves and their environment.¹

In 2015, the IKK was 34.17. The declining trend happened in 2016, where it dropped to 30.86 and increased not too far in 2017 into 33.7. The percentage kept climbing ever since, proven in 2018, where it shows 40.41 (capable), 2019 with 41.70, and 2020 reached 49.07.

The Indonesia's IKK above compared with the ASEAN Consumer Empowerment Index 2020, Indonesian consumers are not yet empowered with a score of 72.70/130 compared to the other 3 (three) ASEAN countries, namely: (a) Cambodia (score 68, 85/130), which only had a consumer protection law in 2019, (b) Singapore (score 70.79/130), which only had a consumer protection law in 2003, and (c) Laos (77.97/130) which only had a consumer protection law in 2010². Indonesia has had a consumer protection law since 1999. However, its consumer empowerment index lags behind countries that recently had Consumer Protection Laws. This can be seen in Table 1 below.

Table 1 Comparison of the Consumer Empowerment Index in ASEAN

No	Negara	CEI	Skor
1	Thailand	Empowered	107/130
2	Malaysia	Moderately Empowered	94,48/130
3	Philippine	Moderately Empowered	93/130
4	Brunei Darussalam	Moderately Empowered	83/130
5	Vietnam	Moderately Empowered	82,96/130
6	Myanmar	Moderately Empowered	80,94/130
7	Lao PDR	Least Empowered	77,97/130
8	Indonesia	Least Empowered	72,70/130

¹ Directorate of Consumer Empowerment: Directorate General of Consumer Protection and Orderly Commerce, Ministry of Trade, "Laporan Akhir Survey Keberdayaan Konsumen Di 34 Provinsi" (Jakarta Pusat: Kementerian Perdagangan Republik Indonesia, 2022), <https://ditjenpktn.kemendag.go.id/secara-berkala/ditpk/likk>.

² The ASEAN Secretariat Jakarta, "The Report of ASEAN Consumer Empowerment Index 2020 Pilot Project" (Jakarta: Association of Southeast Asian Nations (ASEAN), 2020), www.asean.org.

9	Singapore	Least Empowered	70,79/130
10	Cambodia	Least Empowered	68,85/130

Source: CEI ASEAN 2020³ (processed)

Article 3 of Law No. 8 of 1999 on Consumer Protection stipulates 6 (six) objectives of consumer protection, 2 (two) of which are: (a) increasing consumer awareness, ability, and independence to protect themselves, and (b) increasing consumer empowerment in choosing, determining, and demanding their rights as consumers. Consumer empowerment is an asset for consumers to protect themselves⁴. The main factor of weak consumers is the low level of consumer awareness caused by the low level of consumer education. Law No. 8 of 1999 on Consumer Protection is present to become a solid legal basis for the government and the Non-Governmental Consumer Protection Institution (LPKSM) to carry out efforts to empower, foster, and educate consumers.

Analysis of the causes of the low level of consumer empowerment requires an in-depth study, which includes the causal factors why they still need to be empowered, the implications for consumer protection itself, and the methods that can be taken so Indonesian consumers are empowered. This is important to do as a fortress of consumer self-protection because it takes work to expect the responsibility of business actors who have the principle of getting maximum profit with minimal capital, which has the potential to harm consumers.

Based on the 2019 Directorate General Performance Report, the percentage of products complying with laws and regulations only reached 45.74%, and the percentage of supervised goods in circulation that were in accordance with laws and regulations only reached 65.85%.⁵ In addition, the percentage of business actors' compliance with orderly trade in 2022 only reached 59.11%, not yet reaching orderly and responsible.⁶

³ The ASEAN Secretariat Jakarta.

⁴ "Law No. 8 of 1999 on Consumer Protection" (n.d.) Art. 3.

⁵ "Strategic Plan Of The Directorate General Of Consumer Protection And Commercial Order 2020-2024" (Jakarta: Directorate General of Consumer Protection and Orderly Commerce, Ministry of Trade, November 2, 2020), <https://ditjenpktn.kemendag.go.id/unduh-file/f8b7f852-6515-4573-a95c-be34d6e1490a>.

⁶ "Performance Report of the Directorate General of Consumer Protection and Orderly Commerce in 2022" (Jakarta: Directorate General of Consumer Protection and Orderly Commerce, 2022), <https://ditjenpktn.kemendag.go.id/unduh-file/3044eaca-0b64-4616-9d07-e70db68a787c>.

This can be interpreted as many business actors still operating outside the provisions on the circulation of goods and services, potentially harming consumers.

METHODOLOGY

Referring to the description above, it is essential to analyze further the two issues that will be analyzed in this study: first, why is the Consumer Empowerment Index (IKK) in Indonesia still low compared to other countries, and second, how to strengthen the values of consumer protection law culture based on prophetic law. To analyze the above problems scientifically, a combined legal research method, namely empirical and normative legal research, is used.⁷ Combining these two methodologies makes it possible to answer the sociological problems that occur when the Consumer Empowerment Index in Indonesia is low.

The data used in this study are qualitative data from primary and secondary sources. Primary data were obtained through interviews with predetermined informants. Secondary data were obtained by searching for legal materials through literature studies. Both research data were then analyzed descriptively and qualitatively.

RESULT AND DISCUSSION

Causes of the Low Consumer Empowerment Index (IKK) in Indonesia compared to other countries in ASEAN

Trading activities with consumers will enable them to survive. Likewise, consumers need trading activities to meet their daily needs. Both are required to fulfill each other's needs and requirements. A relationship of mutual need can occur over an indefinite period between business actors or producers and consumers or customers. According to Mahatma Gandhi, "the consumer is the most important visitor in our

⁷ Bambang Sunggono, *Metodologi Penelitian Hukum*, 9th ed. (Jakarta: Raja Grafindo Persada, 2007), 27–28.

place, he does not depend on us. We depend on him, he is on our side, not we on his side". Consumers are currently said to be the king of the market.⁸

Business actors and consumers should be balanced because they need each other and have a symbiotic mutualism relationship (mutually beneficial). However, in the era of trade liberalism like today, Ziegel said that this results in an imbalance in negotiation, an imbalance in asymmetric information about the technical components of a product being distributed, and an imbalance in material resources. The complexity of products born from sophisticated information technology also makes consumers weak because of their inability to assess the quality of the product, which is caused by the lack of access to it, while business actors are getting stronger because they have access to information on the products being produced.⁹

Against the reality above, Law No. 8 of 1999 on Consumer Protection, in its general explanation, has stated that the position of consumers is weak. Consumers become the object of business activities to reap business actors' most significant possible profit. The main factor that is the weakness of consumers is their level of awareness, which still needs to be higher. This is mainly due to the low level of consumer education. One of the consumer rights is the right to receive education.¹⁰

Consumer education refers to transferring knowledge about rights, obligations, and skills that individuals, groups, and institutions need to determine their priority scale. It is a tool for adapting to environmental, economic, social, and technological changes and can help consumers make rational and efficient market decisions.¹¹ The greatest asset a consumer can have is education because an educated consumer is a sure

⁸ Jayasubramanian and A Vaideke, "A Study On Consumer Awareness and Attitude Towards Consumer Protection Measures," *Indian Journal of Applied Research* 1, no. 12 (October 1, 2012): 29–31, <https://doi.org/10.15373/2249555X/SEP2012/10>.

⁹ Jacob S Ziegel, "The Future of Canadian Consumerism," *The Canadian Bar Review* 51, no. 2 (1973): 193.

¹⁰ Sobia Bashir, Abdus Samad Khan, and Faisal Shahzad Khan, "The Role of Consumer Education in Strengthening Consumer Protection Laws," *Pakistan Journal of Social Research* 5, no. 2 (June 30, 2023): 85–92, <https://doi.org/10.52567/pjsr.v5i02.1170>.

¹¹ Franziska Wittau, "Consumer Education as Counselling? Teacher Beliefs about Consumption and (Social Science) Education," *Journal of Social Science Education* 20, no. 3 (2021): 147–73, <https://doi.org/10.11576/jsse3960>.

bulwark against the phenomenon of crime. Consumers must be well educated about the health threats and dangers that arise from consuming counterfeit products.¹²

Examining the factors causing the low level of consumer empowerment in Indonesia, two institutions must be highlighted: government agencies that have the authority to implement consumer protection and the Community-based Consumer Protection Institution (LPKSM). These two institutions are referred to in the general explanation of Law No. 8 of 1999 on Consumer Protection, which is expected to be able to carry out consumer empowerment efforts through consumer guidance and education with a solid legal basis.

Consumers have the right to education, and the state has a constitutional obligation to do so.¹³ Education is part of making the nation's life more intelligent, which is one of the goals of the Indonesian nation, as stated in the opening of the 1945 Constitution. Consumer education is the capital to creating empowered consumers, as expected by Law No. 8 of 1999 on Consumer Protection in order to make consumers and business actors in an equilibrium position.

However, consumer empowerment is still at the level of capability. This is because the government's consumer protection efforts as an operator are not severe enough to implement these empowerment efforts. The government's lack of seriousness can be seen from the division of authority for implementing consumer protection in Law No. 23 of 2014 on the Regional Government. This law mandates that the implementation of consumer protection is the authority of the provincial government.¹⁴

In addition to implementing consumer protection, provincial areas also have the authority to supervise goods and services. East Java as one of the provincial areas.¹⁵

¹² A.G Eze, "Consumer Rights as Constitutional Rights-A Comparative Analysis of Some Selected Jurisdiction," *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 2 (2011): 187–90, <https://www.ajol.info/index.php/naujilj/article/view/82403>.

¹³ Agus Brotosusilo, *Aspek-Aspek Perlindungan Terhadap Konsumen Dalam Sistem Hukum Di Indonesia* (Jakarta: YLKI USAID, 1998), 56; Sela Vitria Susilowati, Mintasih Indriayu, and Sudarno, "Pengaruh Pendidikan Konsumen Dan Tingkat Pendapatan Orang Tua Terhadap Perilaku Konsumsi Mahasiswa Program Studi Pendidikan Ekonomi FKIP UNS," *BISE: Jurnal Pendidikan Bisnis Dan Ekonomi* 4, no. 2 (2018): 159–71.

¹⁴ "Law Number 23 of 2014 on Regional Government" (n.d.).

¹⁵ Dinas Perindustrian dan Perdagangan Provinsi Jawa Timur, "Pentingnya Upaya Perlindungan Konsumen Untuk Mendorong Pemulihan Ekonomi Jawa Timur," November 12, 2020,

To realize the implementation of consumer protection, a Consumer Protection (PK) Task Force Implementation Unit (UPT) has been formed in 5 (five) regions, namely: (a) Surabaya with authority covering the City of Surabaya, Sidoarjo Regency, Gresik Regency, Bangkalan Regency, Sampang Regency, Pamekasan Regency, and Sumenep Regency, (b) Malang with a working area covering Malang Regency, Malang City, Batu City, Pasuruan Regency, Pasuruan City, Blitar Regency, Blitar City, Tulungagung Regency, (c) Kediri which includes Madiun Regency, Madiun City, Magetan Regency, Pacitan Regency, Ponorogo Regency, Nganjuk Regency, Trenggalek Regency, Kediri Regency, Kediri City, (d) Bojonegoro which consists of Bojonegoro Regency, Lamongan Regency, Tuban Regency, Jombang Regency, Mojokerto Regency, Mojokerto City, Ngawi Regency, (d) Jember, Jember Regency, Lumajang Regency, Banyuwangi Regency, Situbondo Regency, Bondowoso, Probolinggo Regency, Probolinggo City.

The Consumer Protection Task Force Unit which mentioned above has the task of carrying out part of the duties of the service in supervising circulating goods, services, and trade orders, empowering consumers and business actors, administration, and public services. The Consumer Protection Task Force Unit has the function of carrying out this task, including the implementation of consumer and business actor empowerment. Implement consumer dispute resolution facilitation through the Consumer Dispute Resolution Agency (BPSK) Surabaya, Malang, Bojonegoro, Jember, and Kediri. Consumer empowerment at the Consumer Protection Task Force Unit is carried out with the Smart Consumer Clinic. This program is a solution for consumers to know their rights in making any transaction. With respect for these consumer rights, consumers become empowered and dignified. Most importantly, business actors will have no options to respect them.

The intelligent consumer clinic program is carried out to socialize consumer rights. The clinic is carried out by taking the initiative. The consumer empowerment section comes to consumers, whether at schools, markets, malls, or offices that have been

planned.¹⁶ The goal is clear: to create smart consumers. Smart consumers are consumers who understand their rights and obligations. However, programs like this cannot be measured for success even though the East Java IKK is the highest nationally. The programs implemented by the Consumer Protection Task Force have not been proven to be successful.

The above is based on the reality of several problems faced in the implementation of consumer empowerment and consumer protection as follows: (a) lack of human resources implementing consumer empowerment currently owned by the Provincial Government to reach consumers directly with coverage of all districts/cities, (b) lack of support for budget resources in consumer protection and trade order (PKTN), especially the implementation of consumer empowerment,, indicates that the Regional Government's commitment to increasing consumer protection is still not a priority, (d) lack of attention from regional leaders regarding consumer supervision and protection, (e) relatively short human resource rotation often occurs in the regions, thus having implications for reducing the quality of competent HR both in terms of certification and substance, (f) the reach of empowerment is extensive, especially after the implementation of Law No. 23 of 2014 on Regional Government, which made the intensity of consumer empowerment very low.

The above are the main factors that lead to the government's failure to empower consumers. Consumers are not a priority with a limited budget; in addition, the delegation of authority to implement consumer protection to provincial areas has made the empowerment agenda difficult to carry out intensively because the area's reach is so broad, and geographically, oceans separate Indonesia.

The involvement of LPKSM in implementing consumer education can give rise to different understandings. This can be understood as indicating that consumer problems are a shared concern. However, it can also be interpreted that the state cannot implement the intended consumer education, so it must involve the private sector, namely LPKSM. LPKSM is normatively regulated in Article 44 paragraph (3)

¹⁶ Niluh Virahayu and Eny Sulistyowati, "Kesadaran Hukum Konsumen terhadap Pencantuman Label pada Kemasan Beras," *Novum: Jurnal Hukum* 7, no. 1 (January 2020): 1–12.

of Law No. 8 of 1999 on Consumer Protection, which has the following duties: (a) disseminating information to increase awareness of the rights and obligations and caution of consumers in consuming goods and services, (b) providing advice to consumers who need it, (c) cooperating with related agencies in efforts to realize consumer protection, (d) assisting consumers in fighting for their rights including receiving consumer complaints or complaints, and (e) conducting joint supervision by the government and the community regarding the implementation of consumer protection.¹⁷

According to the National Consumer Protection Agency (BPKN) website, 319 LPKSMs were found throughout Indonesia. However, their existence is not evenly distributed in districts/cities; most are concentrated in several districts/cities, so it is natural that some towns/districts still need LPKSMs. In fact, the search results show that most districts/cities outside Java and Bali do not have LPKSMs. There are still 5 (five) provinces that still need LPKSMs.¹⁸

The concentration of LPKSM in a particular region results in uneven empowerment. This is certainly an obstacle for LPSKM in carrying out consumer empowerment efforts. In addition, according to the results of a study by the Center for Domestic Trade Studies, Trade Policy Assessment and Development Agency, Ministry of Trade in 2016, LPKSM still encounters obstacles in carrying out its duties and functions in society, namely: (1) limited Human Resources, (2) limited operational funds and negative public perception. Limited operational funds for LPKSM, especially in implementing educational activities for the community. Not all LPKSM sets membership fees, and the non-profit nature of the organization does not allow LPKSM to charge fees to consumers who need assistance. LPKSM needs more access to funding sources that may be available. The government also still needs a mechanism that regulates financial assistance to LPKSM. Some LPKSM are not yet legal entities that focus on advocacy activities but are still lacking in their educational function.

¹⁷ Law No. 8 of 1999 on Consumer Protection Art. 44, Par. (3).

¹⁸ "Presidential Regulation Number 50 of 2017 on National Strategy for Consumer Protection" (n.d.) Attachment of the Regulation, Page 27.

Consumer education activities carried out by the government and LPKSM are often temporary, so their impact is difficult to measure. Coordination between LPKSM and the government still needs to be improved.¹⁹

Discussing the implications of consumer empowerment on consumer protection, it is essential to examine its position as a legal culture in a legal system. Based on the description of the indicators in the consumer empowerment index building that has been described above, it is difficult not to say that it is a manifestation of legal culture. The indicators above refer to consumer knowledge related to Law No. 8 of 1999 on Consumer Protection as one of Indonesia's legal system's subsystems. According to Friedman, legal culture refers to public knowledge, attitudes, and behavioral patterns of society related to the legal system.²⁰ Legal culture in two typologies, namely internal legal cultures and external legal culture.²¹ External legal culture exists in the general population, while internal legal culture in specific communities carries out legal tasks.²²

The low IKK is a manifestation of consumer legal culture; the implication is that it causes weak consumer protection. Consumers vis a-vis business actors need to be more balanced. With empowered consumers, a protection movement is born that is not only aimed at themselves but also at other consumers. Consumer empowerment gives life and reality to a legal system (legal structure and substance). The legal structure as one component of the legal system is not isolated and alienated; it is very dependent on external inputs. There will be no court without any parties to the case (BPSK). Without a problem and the will to resolve it, there will be no one to prosecute. All these social elements melt the ice and move a system.

¹⁹ "Laporan Akhir Pusat Pengkajian Perdagangan Dalam Negeri: Analisis Kelompok Konsumen (Consumer Group) Dalam Upaya Peningkatan Keberdayaan Konsumen" (Jakarta: Badan Pengkajian dan Pengembangan Kebijakan Perdagangan, Kementerian Perdagangan, August 2016), 91–93, <https://bkperdag.kemendag.go.id/pengkajian/hasilanalisis/view/eyJpZCI6IiZHVEd1RnVuNW1GNTrOHl5dG9xd3c9PSIsImRhGEiOij4QiRZIn0%3D>.

²⁰ Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Bandung: Nusa Media, 2019), 255.

²¹ David Nelken, "Using the Concept of Legal Culture," *Australian Journal of Legal Philosophy*, no. 29 (2004): 8.

²² Josefa Dolores Ruiz-Resa, "Legal Culture on Justice and Truth: The Tribunals of Inquiry about Bloody Sunday," *The Age of Human Rights Journal*, no. 15 (December 15, 2020): 79, <https://doi.org/10.17561/tahrj.v15.5777>; Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*, 219.

The empowerment or powerlessness of consumers is a portrait of the social forces (legal culture) that continuously drive the legal system. As Friedman expressed, a legal system in its actual operation is a complex organism in which structure, substance, and culture interact²³. Based on Friedman's opinion that legal culture can influence the use of courts (legal structure)²⁴. Suppose this is contextualized in the problem being studied. In that case, the level of consumer empowerment can influence the use of BPSK to resolve consumer disputes outside the courts. Consumers who are at a critical and empowered level are the legal culture that gives life to BPSK because only consumers who have such a predicate in which the spirit of fighting for consumer interests flows and actively plays a role in fighting for rights and carrying out their obligations, BPSK gets input on cases that it can resolved to make them optimal in carrying out its duties.

One dimension of consumer empowerment is the high level of complaint behavior submitted to consumer protection agencies, including BPSK. This is done by the consumers concerned when they find and experience business activities that are detrimental and potentially detrimental to other consumers. Therefore, the primary source of cases in BPSK are consumers who are legally empowered. If consumers are not empowered, then on the contrary, it can reduce the input of cases in BPSK. This does not indicate that there are no violations of consumer rights committed by business actors, but rather the minimal behavior of consumer complaints about this. This statement correlates with Satjipto Rahardjo's opinion, which states that 3 (three) factors influence the input of cases to the court (read BPSK), namely: (a) knowledge of the law, (b) financial capacity, and (c) legal culture.²⁵

The urgency of empowered consumers for consumer protection itself cannot be doubted. This is because empowered consumers can act as supervisors of the economic activities of business actors that potentially harm consumers. This action has a preventive legal protection value for those who can prevent violations of consumer

²³ Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*, 17.

²⁴ Friedman, 18.

²⁵ Satjipto Rahardjo, *Pengakuan Hukum: Suatu Tinjauan Sosiologis*, 1st ed. (Yogyakarta: Genta Publishing, 2009), 84.

rights from the start. Prevention has a critical position, as stated in the Islam maxim, which means prevention is better than elimination (*al-dau aula min graffiti*). This means that preventing violations of consumer rights that can cause losses is better than eliminating the violation (resolving it). Personal individual supervision of empowered consumers is something important amidst the fact that it is difficult to place hope for the emergence of business actors who are not only aware of but orderly in business and even responsible amidst their firm grip on the economic principle of "maximizing profits by minimizing capital" which is the basis of their philosophy.

Correlated with the above, as explained in the introduction, according to the 2019 Directorate General Performance Report, the percentage of product compliance with laws and regulations only reached 45.74%.²⁶ The percentage of supervised circulating goods by statutory provisions only reached 65.85%. The rate of business actors' compliance with orderly trade in 2020 only reached 51.33% (aware), yet to be orderly and responsible.²⁷ This is because implementing national supervision still needs to be more effective. The cause is the lack of human resources and the vast scope of the provincial government's supervision area, so not all areas can be supervised optimally. Implementing Law Number 23 of 2014 on the Regional Government, which transfers all responsibility for supervision in the regions to the provincial government without transferring human resources, makes the human resource problem even wider. In addition, most local governments do not make supervision activities a priority. This can be seen from the policies and proportion of budget support for the Consumer Protection and Trade Order (PKTN) sector, especially supervision activities, which are, on average, very low compared to other activities.²⁸

The implication of the powerlessness of Indonesian consumers towards consumer protection is that it results in weak consumer protection itself, both preventive protection and repressive protection, through complaints of consumer protection

²⁶ "Strategic Plan Of The Directorate General Of Consumer Protection And Commercial Order 2020-2024."

²⁷ "Strategic Plan Of The Directorate General Of Consumer Protection And Commercial Order 2020-2024."

²⁸ "Laporan Akhir Pusat Pengkajian Perdagangan Dalam Negeri: Analisis Pelaksanaan Pengawasan Barang Beredar Dan Jasa Paska Implementasi UU No 23 Tahun 2014 Tentang Pemerintahan Daerah" (Jakarta: Badan Pengkajian dan Pengembangan Perdagangan Kementerian Perdagangan, March 2021), 33.

cases to BPSK. The powerlessness of consumers shows that the agenda of balancing the bargaining position of consumers with business actors is increasingly far from reality.

Strengthening the Values of Consumer Protection Legal Culture Based on Prophetic Law

The initial capital to empower critical consumers is education because only through education can consumers know their rights and obligations and consumer protection institutions, including dispute resolution institutions. However, this can only give consumers a conventional legal culture oriented towards fulfilling commitments.²⁹

There needs to be more than the conventional legal culture above to be a shield of protection for consumers. More is needed. Namely, consumers are empowered with a post-conventional legal culture that relies on "critical reason" and "conscience." Consumers who are already at the level of a critical reason culture always and consistently fight for their rights and the rights of other consumers through complaint behavior for the common good, both against actual losses that occur and against the behavior of business actors that have the potential to cause losses.³⁰

Consumers at the level of critical reason culture are essential in fighting for their rights and the rights of other consumers and fighting for changes to improve consumer protection policies. Consumer concern in this kind of legal culture can create protection of common interests. A "conscience-based" consumer legal culture is a legal culture that never betrays the voice of conscience and its beliefs about what is right and good. Consumers with this legal culture are not afraid to go against the flow and are brave in solitude rather than deceiving themselves. Have a clear vision and mission, namely for the sake of upholding the dignity of humanity (consumers). Consumers with this legal culture dare to act beyond the call of duty or super derogatory. These consumers have extraordinary pioneering.

²⁹ Pokja Penyusunan DPHN 2020, *Dokumen Pembangunan Hukum Nasional Tahun 2020*, Badan Pembangunan Hukum Nasional, Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia, 1st ed. (Jakarta Timur: Percetakan Pohon Cahaya, 2020), 86.

³⁰ Pokja Penyusunan DPHN 2020, *Dokumen Pembangunan Hukum Nasional Tahun 2020*, Badan Pembangunan Hukum Nasional, Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia.

The legal culture above can make BPSK effective in handling consumer disputes because, theoretically, BPSK is highly dependent on input from consumer complaints. The legal culture of critical reason and conscience by the Consumer Empowerment Index is placed at a critical and empowered level, namely consumers who play an active role in fighting for their rights, carrying out their obligations, prioritizing domestic products, and having high nationalism in interacting with the market and fighting for consumer interests.

Building a consumer legal culture like this can be done by instilling Islamic prophetic values. In the Big Indonesian Dictionary (KBBI), the word "prophetic" contains the meaning of an adjective relating to prophecy or prediction. The word "prediction" in legal terminology seems to be close to the word prescription, a doctor's prescription to treat a disease. Actions that violate or contradict legal norms are anti-social actions, so legal science comes to overcome these actions before these anti-social actions develop into social pathology that disrupts public order.³¹

Etymologically, prophetic comes from the English word prophetic, which means (1) of or about a prophet: prophetic inspiration (from or relating to a prophet: prophetic inspiration); of the nature of or containing prophecy: prophetic writings (of the nature of or containing prophecy); (3) having the function or power of a prophet, as a person (having the function or power of a prophet, as a person); (4) predictive; ominous; prophetic signs warning (predictive, pleasant: prophetic signs, prophetic warnings).³²

There are 3 (three) prophetic values introduced by Kuntowijoyo, namely humanization, liberation, and transcendence. These three values are derived from the historical mission of Islam as contained in the Qur'an, especially Surah al-Imran, which means You (Muslims) are the best nation ever born for humanity (because you) enjoin (to do) what is right, and forbid what is wrong, and believe in Allah. (QS. Ali

³¹ Shidarta, "Hukum Profetik: Antara Humanisasi, Liberasi, Dan Transendensi," Business Law, May 2, 2019, https://business-law.binus.ac.id/2019/05/02/antara_humanisasi_liberasi_transendensi/.

³² Kelik Wardiono, *Ilmu Hukum Profetik: Hampiran Basis Epistemologi Paradigmatik* (Surakarta: Muhammadiyah University Press, 2020).

Imran: 110).³³ Kuntowijoyo provides a slightly different interpretation of the verse above. According to him, three values are contained in the verse above, also serving as prophetic pillars. These three values are humanization, which is transformed from the spirit of *amar makruf* (upholding goodness). Liberation is transformed from the spirit of *nahi munkar* (preventing evil), and the value of transcendence is transformed from the spirit of faith in Allah (*tu'minuna Billah*).³⁴

Kuntowijoyo believes that the three values above are related to social life, which emphasizes interaction with fellow human beings, is accompanied by enforcing goodness based on divine demands and rationality, and actively rejects evil. This effort starts from transcendent awareness translated into immanent actions that ultimately realize social justice in general without being limited by theological and territorial barriers.

In Jawahir Thontowi's view, Kuntowijoyo's prophetic paradigm is not far from the universal qualities of the prophets, which are embodied in universal values that are role models for humanity in the world, such as caring, creativity, and proactive (*balligh*), honesty and truth (*shodiq*), obedient and submissive to promises (*amanah*), intellectually and spiritually intelligent (*fatamah*), being fair and not selective (*'adalah*), being patient (*shabar*), daring to say right from wrong (*syaja'ah*), humble and not arrogant (*tawadu'*), affectionate (*ruhama*), prioritizing the interests of the people/public (*mashlahatu ummah*), and not materialistic (*zuhud*).³⁵

Based on the three prophetic values and traits above that are embedded in Indonesian consumers, the consumers in question can be seen as having a prophetic legal culture that can always fight for their rights and the rights of other consumers. They can be

³³ Khudzaifah Dimiyati et al., "Morality and Law: Critics upon H.L.A Hart's Moral Paradigm Epistemology Basis Based on Prophetic Paradigm," *Jurnal Dinamika Hukum* 17, no. 1 (May 2, 2017): 23, <https://doi.org/10.20884/1.jdh.2017.17.1.823>.

³⁴ Kuntowijoyo, *Paradigma Islam: Interpretasi Untuk Aksi*, 1st ed. (Ujungberung, Bandung: Penerbit Mizan, 2008), 288–99; M. Syamsudin, ed., *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 1st ed. (Yogyakarta: Pusat Studi Hukum (PSH) FH UII kerja sama dengan FH UII Press, 2013); Mustafa Lutfi and Nur Asrul Ibrahim, "Reconstruction of Norm in Selection System of Constitutional Court Judge Candidates from the Perspective of the Paradigm of Prophetic Law," *Legality: Jurnal Ilmiah Hukum* 30, no. 1 (April 15, 2022): 116–30, <https://doi.org/10.22219/ljih.v30i1.20744>.

³⁵ Jawahir Thontowi, "Paradigma Profetik Dalam Pengajaran Dan Penelitian Ilmu Hukum," *Unisia* 34, no. 76 (January 25, 2012): 86–99, <https://doi.org/10.20885/unisia.vol34.iss76.art7>.

seen as the best consumers because they are beneficial to different consumers. This is by the hadith of the Prophet Muhammad PBUH, which means that the best human being is the one who is most helpful to other humans. These consumers have an attitude of altruism.³⁶ It is to uphold civilization in the relationship between consumers and business actors. Because axiologically, prophetic values help provide benefits, justice, grace, and wisdom,³⁷ and also aim to make humans who can realize goodness for themselves as humans and position themselves somewhat in the realm of reality as a whole, also aiming to realize justice for both themselves and their environment and universe.³⁸

Prophetic, as an approach to building a consumer legal culture, can be described as an entity that seeks to prepare and equip themselves to read and understand God's messages and learn from them. They will then try to implement these messages daily to provide goodness for themselves, society, and nature throughout the universe,³⁹ to build civilization.⁴⁰ Because the actualization of prophetic values has implications for individual and collective transformation at the same time.⁴¹ The three prophetic values (humanization-liberation and transcendence) mentioned above are something that aspired to change and is indeed intended to engineer society (consumers) towards its socio-ethical ideals in the future.⁴²

Amar ma'ruf transformed into humanization by Abdurrahman Mas'ud is explained as nothing other than social control itself, which is a necessity of creation both

³⁶ Yuliana Rakhmawati, "Islamic Character Camp: Establishing Students Altruism Intelligence with Da'wa Communication," *Inferensi: Jurnal Penelitian Sosial Keagamaan* 14, no. 1 (June 2, 2020): 25–48, <https://doi.org/10.18326/infsl3.v14i1.25-48>.

³⁷ Romi Saputra, "Forming a Paradigm of Prophetic Law from the Perspective of Arkanul Bai'ah," *Journal of Transcendental Law* 3, no. 1 (October 14, 2021): 63–81, <https://doi.org/10.23917/jtl.v3i1.15224>.

³⁸ Absori, *Pemikiran Hukum Profetik: Ragam Paradigma Menuju Hukum Berketuhanan* (Media Ruas, 2018), 135, <https://books.google.co.id/books?id=1BiJzwEACAAJ>; Kelik Wardiono, *Paradigma Profetik Pembaruan Basis Epistemologi Ilmu Hukum* (Yogyakarta: Genta Publishing, 2016), 193.

³⁹ Jawahir Thontowi and Erna Wati, "The Prophetic Law, Pancasila, and Indonesia's Significant Role Toward International Law in Asia-Africa, ASEAN, and Global Context," *International Journal of Educational Review, Law and Social Sciences* 3, no. 1 (2023): 312–22.

⁴⁰ Adam Setiawan, "Transformation of Prophetic Law in Pancasila Values Viewed from the Wadas Village Conflict," *Al Daulah Jurnal Hukum Pidana Dan Ketatanegaraan* 11, no. 1 (June 2022): 1–17, <https://doi.org/10.24252/ad.v1i2.28247>.

⁴¹ Heddy Shri Ahimsa Putra, "Paradigma Profetik, Mungkinkah? Perlukah?" (Seminar Nasional "Paradigma Profetik: Jalan Baru Ilmu Sosial Keindonesiaan", Yogyakarta, September 7, 2016).

⁴² Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 16.

individually, in society, and in organizations, to improve together and avoid mutual losses.⁴³

The tendency of business actors to carry out disgraceful actions that can harm consumers, such as when selling reduces the scale when buying increases the scale, has occurred since 15 centuries ago.⁴⁴ These actions are recorded in several verses in the Al Qur'an, including the meaning of Woe to those who cheat (in measuring and weighing), (namely) those who, when they receive a measure from another person, ask for it to be filled. When they measure or weigh (for another person), they subtract. (QS. Al Mutaffifin: 1-6). This means upholding the balance fairly and not reducing that balance. (QS. Ar Rahman: 9). Imam An-Nasa'i and Ibnu Madjah narrated Asbabun Nuzul Surah Al-Muthaffifin with a valid sanad that was narrated by Ibn Abbas, who said, "When the Prophet Muhammad (PBUH) had just arrived in Medina, the people there were still very accustomed to reducing the scales in selling buy. Then Allah revealed the verse, 'Woe to those who cheat (in measuring and weighing).' after this verse was revealed, they always kept the measurements and weights.⁴⁵

Reducing the scales, sizes, and measurements can be likened to lowering the quality of a product, which can undoubtedly harm consumers. Scales and measurements are the mainstay of the world economy and the basis of transactions. Fraud can cause chaos in the economy and, in turn, will result in ikhtilâl (shock) in this transaction relationship, which is a form of significant damage.⁴⁶ This act can be categorized as an act of munkar, which, according to Quraish Shihab, citing the opinion of Ibn Asyûr, is considered harmful, denied by society, and contrary to divine values. Al-Munkar is the opposite of makeup, which is something good according to the general view of society if it is in line with al-khair.⁴⁷

⁴³ Abdurrachman Mas'ud, *Menuju Paradigma Islam Humanis* (Yogyakarta: Gama Media, 2003), 90.

⁴⁴ Redaksi Sawit Indonesia, "Kemendag Kampanyekan Masyarakat Melek Metrologi: Kinerja Tera Meningkatkan 124 Persen," Kantor Berita Sawit, September 23, 2021, <https://sawitindonesia.com/kemendag-kampanyekan-masyarakat-melek-metrologi-kinerja-tera-meningkat-124-persen/>.

⁴⁵ Mardani, *Ayat-Ayat Dan Hadis Ekonomi Syariat*, 1st ed. (Jakarta: Rajawali Pers, 2014), 90.

⁴⁶ M. Quraish Shihab, *Tafsir Al-Qur'an al-Karim* (Bandung: Pustaka Hidayah, 1999), 630.

⁴⁷ Muhammad Quraish Shihab, *Tafsir Al-Mishbah Volume 1 : Pesan, Kesan Dan Keserasian Al-Qur'an*, 1st ed., 1 (Jakarta: Lentera Hati, 2012), 701–2.

The prophetic legal culture of consumers is capital that can be used to engineer and control the bad behavior of business actors that can result in losses for consumers. This can create preventive and repressive legal protection at the same time. Humanization (Amar makeup) calls for critical consumption goodness in fair, civilized, and equal transaction patterns that can balance the bargaining position of consumers with business actors, making consumers more self-aware and business actors more careful in producing and distributing their products. In this context, the preventive dimension of consumer protection can be realized.

Through liberation (*nahi munkar*), bad behavior of business actors that has the potential to harm and has harmed consumers can be reported to the authorities, such as the Directorate General of Consumer Protection and Trade Order of the Ministry of Trade, the National Consumer Protection Agency (BPKN) and the Consumer Dispute Resolution Agency (BPSK). This is also a form of social control in a repressive form and it can realize repressive legal protection, which is also aimed at creating the common good.

The prophetic legal culture of consumers makes them the best people according to Islam because they contribute to the realization of humanization and liberation values based on transcendence (faith). The function of transcendence (faith) is to guide the star to where and for what purpose humanization and liberation are carried out. This is in line with a hadith, which states that whoever among you sees evil, then he should remove it with his hand. If he is unable to do so, then use his tongue. Those who are unable with their tongue, then with their heart. And with this heart is the weakest of faith.⁴⁸

Referring to the hadith above, the primary capital needed to realize consumer humanization and liberation is its intangible value, which must be substantial. Because transcendence becomes the driving force or energy for discovering the humanization and liberation movement, without it, the consumer humanization and liberation movement will be realized. The continuity of the movement of calls for

⁴⁸ Abu Daud Sulaiman ibn al-Asy'as al-Sijistani Al-Azdi, *Sunan Abi Daud*, vol. Juz 3 (Beirut: Dar Ihya' al-Turas al-'Arabi, 1999), 491.

humanization and liberation by consumers is determined by the strength of their intangible value. This is to the concept of faith in Islam: believing with the heart, declaring with the tongue, and practicing with actions. Calling for humanization and liberation is a form of practicing the value of transcendence or based on the value of transcendence. The value of transcendence must be realized immanently through liberation and humanization.

The prophetic legal culture of consumers thus has its main foundation in the value of transcendence. With such a legal culture, it can free and protect themselves and others from the bad behavior of business actors who report it to BPSK or related agencies. These consumers try to realize the humanist values of consumers or humanize consumers. This is in line with one of the objectives of consumer protection in Law No. 8 of 1999 on Consumer Protection, namely to raise the dignity and status of consumers by preventing them from the harmful excesses of using goods and services from an early stage.

Transcendence, humanization, and liberation above are in line with the fundamental values of Pancasila, especially in the first principle, Belief in the One Almighty God (transcendence); the second principle, Just and Civilized Humanity (humanization); and the fifth principle Social Justice for All Indonesian People (liberation). The first principle is the soul of the second principle, and so on. Just and civilized humanity means full respect for human values (dignity, dignity,⁴⁹ of body, rights, honor,⁵⁰ Needs, self-esteem, and a decent life as a human being). In humanity (humanity) itself, civilization and justice are implicit. There is only justice and civilization with awareness of human values. Humanity becomes the norm of integration in law

⁴⁹ Upholding human dignity is one of consumer protection objectives as specified in Law No. 8 of 1999 on Consumer Protection.

⁵⁰ Honor and justice are two goals of Islamic law at the primary level, which were added by the ulama. The primary goals of Islamic law become seven, namely *hifz al-din* (preservation of religion), *hifz al-nafs* (preservation of life), *hifz al-mal* (preservation of wealth), *hifz al-aql* (preservation of reason) and *hifz al-nasl* (preservation of descendants). Some scholars add *hifz al-'ird* (preservation of honour) to fulfil the five *maqashid al-syar'ah* into six main/primary goals or inevitabilities. Apart from that, some include *al-'adl* (justice) Jasser Auda, ed., *Maqashid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 3–5; Galuh Nashrullah Kartika Mayangsari R and H. Hasni Noor, “Konsep Maqashid Al-Syar'ah Dalam Menentukan Hukum Islam (Perspektif Al-Syatibi Dan Jasser Auda),” *Al Iqtishadiyah Jurnal Ekonomi Syariah Dan Hukum Ekonomi Syariah* 1, no. 1 (December 18, 2014): 63, <https://doi.org/10.31602/iqt.v1i1.136>.

(legislation, judiciary, execution, and or legal substance, legal structure, and legal culture). Because humanity has the moral substance of God, it must be an ideal benchmark and has a normative character that guides and requires everything.⁵¹

Building a prophetic consumer legal culture and establishing cooperation with religious institutions is inevitable. The Directorate General of Consumer Protection and Trade Order has established collaboration with religious mass organizations, such as the Muhammadiyah Central Board (PP) and the Muslimat Central Board. This can be maximized to the lowest level to strengthen programs for instilling the values of prophetic consumer legal culture. In addition, the development of a prophetic consumer legal culture can be carried out through the education system because national education functions to develop abilities and shape the character and civilization of a dignified nation to educate the nation's life, aiming to create the potential of students to become people who believe in and fear God Almighty, have noble morals, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens.

CONCLUSION

Indonesia's Consumer Empowerment Index (IKK) has not been effective compared to other countries because of the long distance between institutions that implement consumer protection and consumers themselves. Consumer protection institutions are unevenly distributed throughout Indonesia. In addition, the methods used in empowering consumers are still conventional, namely socialization and counseling, which have a temporary impact. However, current technological developments can provide consumers with a sense of security and facilities.

Current consumer education can only lead consumers to a conventional legal culture. To strengthen the values of consumer legal culture and to enable their level of critical and conscientious legal culture, instilling prophetic legal values (humanization,

⁵¹ Bernard L Tanya, Theodorus Yosep Parera, and Samuel F Lena, *Pancasila Bingkai Hukum Indonesia*, 1st ed. (Bantul: Genta Publishing, n.d.), 51–56.

liberation, and transcendence) can be an alternative because it can be an energy for consumers to always fight for consumer rights through their critical attitude.

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