



Ulul Albab's Paradigm Approach to Post-Conventional Legal Culture of Consumers in Indonesia

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Submitted: May 22, 2024; Reviewed: August 26, 2024; Accepted: October 14, 2024

Article Info

Keywords:

Ulul Albab; Post-Conventional;
Legal Culture; Consumers.

DOI:

[10.25041/fiatjustisia.v18no3.3508](https://doi.org/10.25041/fiatjustisia.v18no3.3508)

Abstract

Consumer empowerment in Indonesia, continues to require improvement despite the enactment of Consumer Protection Law Number 8 of 1999, twenty-three years ago. This situation raises questions about why consumer empowerment remains low, its implications for consumer protection, and strategies for reconstruction based on the principles of Ulul Albab. The ulul albab approach to understanding consumer culture and consumer protection in Indonesia emphasizes the importance of integrating knowledge, ethics, and spiritual values. Ulul albab is an Islamic concept referring to individuals who possess deep understanding, wisdom, and critical thinking abilities and who connect rational thought with spiritual awareness. From the ulul albab perspective, consumer culture is viewed not only from a materialistic standpoint or the fulfillment of worldly needs but also from moral and spiritual dimensions. To explore these inquiries, a socio-legal research methodology that integrates sociological, statutory, and conceptual approaches is utilized. Legal materials, including primary, secondary, and tertiary references, contribute to both primary and secondary data. The research findings highlight several critical points. Firstly, the limited empowerment in Indonesia's consumer legal culture is the government's temporary emphasis on consumer education, primarily through socialization. Furthermore, there is a disparity between consumer protection institutions and

public, exacerbated by the concentration of LPKSM in urban areas where advocacy often supersedes efforts aimed at empowerment. Secondly, the impact of a weak consumer legal culture on consumer protection is evident in insufficient measures for consumers to safeguard themselves, both preventatively and correctively. Thirdly, the proposed reconstruction of Indonesia's consumer legal culture based on the Ulul Albab paradigm aims to empower consumers through tarbiyah ulul albab, cultivating individuals with comprehensive knowledge, strong moral values, and a robust social conscience.

A. Introduction

Consumer protection has become a global priority due to the imbalance in bargaining power between consumers and businesses, necessitating governmental intervention.¹ Despite the existence of Consumer Protection Law Number 8 of 1999 in Indonesia for 23 years, which ensures legal certainty in consumer protection, there still needs to be more consumer empowerment and the cultural aspects related to law.²

The Consumer Empowerment Index (IKK) in Indonesia, as reported by the Directorate General of Consumer Protection and Trade Compliance (Ditjen PKTN) from 2015 to 2020, illustrates this issue. The IKK has shown gradual improvement over the years: 2015 (34.17), 2016 (30.86), 2017 (33.7), 2018 (40.41), 2019 (41.70), 2020 (49.07), and 2022 (53.23).³ However, Indonesia's

¹ Wayne R Barnes, "Social Media and the Rise in Consumer Bargaining Power," *Texas A&M University School of Law* (2012), 697; Jeremy Blasi and Jennifer Bair, "An Analysis of Multiparty Bargaining Models for Global Supply Chains," *Conditions of Work and Employment Series No. 105* (Geneva, 2019), 34. A strong bargaining position also exists in competition law. Masako Wakui and Thomas K Cheng, "Regulating Abuse of Superior Bargaining Position under the Japanese Competition Law : An Anomaly or a Necessity?," *Journal of Antitrust Enforcement* 4 (2015): 1–32, 1.

² Su-jung Nam, "Consumer Empowerment and Self-Assessment of Empowerment," *Plos One* 16, no. 11 (2021): 1–14, <http://dx.doi.org/10.1371/journal.pone.0259971>, 14; Megawati Simanjuntak, "Consumer Empowerment Profile in Rural and Urban Area Consumer Empowerment Profile in Rural and Urban Area," *ASEAN Marketing Journal* 6, no. 1 (2021), 39; Article 1 paragraph (1) of the Consumer Protection Law (UUPK).

³ Directorate General of Consumer Protection and Trade Compliance, 2020, Report on Consumer Complaints; Directorate General of Consumer Protection and Trade Compliance, 2018, Report of the Directorate General of Consumer Protection and Trade Compliance; Directorate General of Consumer Protection and Trade Compliance, 2020, Report of the Directorate General of Consumer Protection and Trade Compliance Fiscal Year 2020

IKK still needs to catch up to other ASEAN countries, such as Cambodia (68.85), Singapore (70.79), and Laos (77.97), despite these nations enacting consumer protection laws later than Indonesia.⁴ This discrepancy underscores the ongoing challenge of nurturing a robust consumer legal culture and enhancing consumer empowerment in Indonesia.⁵

No.	Country	Consumer Empowerment Index (CEI)	Score	Year of Consumer Protection Law
1	Thailand	Empowered	107/130	1979
2	Malaysia	Moderately Empowered	94,48/130	1999
3	Filipina	Moderately Empowered	93/130	1992
4	Brunei Darussalam	Moderately Empowered	83/130	2011
5	Viet Nam	Moderately Empowered	82,96/130	2010
6	Myanmar	Moderately Empowered	80,94/130	2014
7	Laos	Least Empowered	77,97/130	2010
8	Indonesia	Least Empowered	72,70/130	1999
9	Singapura	Least Empowered	70,79/130	2003
10	Kamboja	Least Empowered	68,85/130	2019

Source: ASEAN Consumer Empowerment Index (CEI) 2020 (processed)

The current situation contradicts the fundamental goals of the protection of consumers. Article 3 of the Consumer Protection Law (UUPK) delineates six goals aimed at increasing consumer awareness, competency, and autonomy to empower them in safeguarding their rights and interests. Empowering consumers is essential for self-defense, recognizing that consumer vulnerability often results from insufficient education and awareness.

Despite being in place for 23 years, the UUPK still needs to achieve its goal of consumer empowerment effectively. Therefore, there is a need for research to uncover the underlying causes of this issue. This study should investigate the factors contributing to low empowerment, the implications for managing both individual disputes and broader protective measures, and the policies necessary to bolster consumer empowerment in Indonesia. Such efforts are crucial for fully implementing grassroots-level consumer protection measures mandated by the law.

In 2019, product compliance was reported at 45.74%, and goods conformity with legal standards was at 65.85%. By 2020, business entities' compliance with trade regulations had dropped to only 51.33%, indicating disorder and inadequate accountability. These statistics indicate that a significant number of businesses operate outside legal norms, potentially exposing consumers to risks.

⁴ The ASEAN Secretariat, "The Report of ASEAN Consumer Empowerment Index 2020" (Jakarta, 2020), 11.

⁵ Agus Satory et al., "Analysis of Program Implementation Education of Consumer Protection in Improving Consumer Empowerment Index," in *Advances in Social Science, Education and Humanities Research, Volume 438*, vol. 438 (Bogor: Atlantis Press, 2020), 312–317, 312.

Several studies have contributed significantly to understanding consumer legal culture. Su-Jung Nam's research on Consumer Empowerment and Self-assessment found that self-perceived empowerment affects consumer behavior and satisfaction more than actual empowerment.⁶ In Indonesia, Megawati Simanjuntak explored the Consumer Empowerment Index among undergraduates at Bogor Agricultural University, highlighting low scores in awareness of unfair business practices and assertiveness.⁷

Another study by Simanjuntak focused on Consumer Empowerment in Online Purchasing, revealing that educated adult males with higher income and urban residence are most empowered.⁸ Maria Ioannidou emphasized long-term empowerment processes in retail energy markets, cautioning against short-term regulatory fixes.⁹ Johann Füller et al. studied Consumer Empowerment through Internet Co-creation, linking empowerment levels to virtual tool design and user engagement.¹⁰

Carol Brennan and Martin Coppack's research underscored global variations in interpreting consumer empowerment and emphasized the role of education in empowering vulnerable consumers.¹¹ Yogesh Gurav's study in India highlighted the need for consumer education in basic skills, rights awareness, and complaint handling.¹² Finally, Eleni Papaoikonomou and Amado Alarcón explored Ethical Consumption Communities, advocating for consumer education and new organizational forms in achieving empowerment.¹³

⁶ Su-jung Nam, *Op.Cit.* p.7

⁷ Megawati Simanjuntak, "Consumer Empowerment Index among Undergraduate Students of Bogor Agricultural University, Indonesia," *Asian Journal of Business and Management* 03, no. 03 (2015): 183–191., 189-190.

⁸ Megawati Simanjuntak, "CONSUMER EMPOWERMENT ON ONLINE PURCHASING," *INDEPENDENT JOURNAL OF MANAGEMENT & PRODUCTION (IJM&P)* 11, no. 1 (2020): 236–55, <https://doi.org/10.14807/ijmp.v., 253>.

⁹ Maria Ioannidou, "Effective Paths for Consumer Empowerment and Protection in Retail Energy Markets," *Journal of Consumer Policy* 41 (2018): 135–57., 152-153.

¹⁰ Kurt Matzler and Gregor Jawecki Johann Füller, Hans Mühlbacher, "Consumer Empowerment through Internet-Based Co-Creation," *Journal of Management Information Systems* 26, no. 3 (2010)., 100.

¹¹ Carol Brennan and Martin Coppack, "Consumer Empowerment : Global Context , UK Strategies and Vulnerable Consumers," *International Journal of Consumer Studies* 32 (2008): 306–13, 312.

¹² Yogesh Gurav, "Consumer Empowerment in India – A Way Ahead," *Asian Journal of Multidisciplinary Studies* 5, no. 3 (2017): 18–21., 21.

¹³ Eleni Papaoikonomou and Amado Alarco, "Revisiting Consumer Empowerment : An Exploration of Ethical Consumption Communities," *Journal of Macromarketing* 37, no. 1 (2017): 40–56, <https://doi.org/10.1177/0276146715619653.>, 32.

These eight research outcomes have significantly varied focuses compared to the forthcoming research. However, it must be acknowledged that these research findings provide a foundation for conducting this research, as they inform about consumer disempowerment and the empowerment mechanisms currently practiced, which involve education and socialization but have not yet touched upon Ulul Albab as the basis paradigm for enhancing consumer legal culture.

The ulul albab approach to understanding consumer culture and consumer protection in Indonesia emphasizes the importance of integrating knowledge, ethics, and spiritual values. Ulul albab is an Islamic concept referring to individuals who possess deep understanding, wisdom, and critical thinking abilities and who connect rational thought with spiritual awareness. From the ulul albab perspective, consumer culture is viewed not only from a materialistic standpoint or the fulfillment of worldly needs but also from moral and spiritual dimensions.

Several principles relevant to the ulul albab approach include 1) Awareness of Long-Term Consequences: Wise consumption should consider the long-term impact on oneself, the environment, and society. It is not just about instant gratification or fleeting trends but also sustainability.¹⁴ 2) Ethics in Transactions: The use of goods and services should be conducted ethically, both in terms of how they are obtained and how they are used. For example, they buy products made through fair trade practices or avoid items that contribute to the exploitation of nature or people.¹⁵ 3) Avoiding Excessive Consumerism: The ulul albab paradigm teaches the importance of qana'ah (contentment) and avoiding wasteful behavior and resource depletion, which can lead to moral and social degradation.¹⁶ 4) Value-Based Consumer Education: Consumers within the ulul albab paradigm need to be educated about the importance of sustainable consumption, which aligns not only with their desires but also with needs that are in accordance with religious and humanitarian values.¹⁷

¹⁴ Abdullah Yusuf Ali, *The Meaning of the Holy Qur'an*, 11th ed. (Beltsville, Md.: Amana Publications, 2004); Saheeh International, *The Qur'an: English Meanings and Notes By Saheeh International* (Jeddah: Al-Muntada Al-Islam Trust, 2011).

¹⁵ M Kamal M. Amjad Mian, and Samuel L. Hayes, *Journal of Law and Religion* 15, no. 1/2 (2000): 475–79; Iqbal, Z., and A. Mirakhor, *An Introduction to Islamic Finance: Theory and Practice* (Hoboken, NJ: John Wiley & Sons, 2011).

¹⁶ Khan, M. M., and M. I. Bhatti, "Development in Islamic Banking: A Financial Risk-Allocation Approach," *The Journal of Risk Finance* 9 (2008): 40-51; Muhammad Akram Khan, *Theory of Consumer Behavior: An Islamic Perspective*, 2020.

¹⁷ Mallin, Christine, Hisham Farag, and Kean Ow-Yong, "Corporate Social Responsibility and Financial Performance in Islamic Banks," *Journal of Economic Behavior & Organization* 103, Supplement (2014): S21-S38; El-Gamal, Mahmoud A, *Islamic Finance: Law, Economics, and Practice* (Cambridge: Cambridge University Press, 2006).

From the ulul albab perspective, consumer protection involves the moral and spiritual responsibility of producers, the government, and society to ensure fairness and balance in the market. Fundamental principles from this approach include 1) Fairness in Business: Business actors are required to be honest and transparent in providing information about products and services. Fraud, exploitation, and manipulation of information are strictly prohibited.¹⁸ 2) Balancing Interests: Consumer protection should not only focus on consumer rights but also ensure that producers and workers receive fair compensation for their work.¹⁹ 3) Government as Regulator and Overseer: The government plays a crucial role in enforcing justice, ensuring consumer rights are protected through fair regulations, and facilitating education and awareness about consumer rights.²⁰ 4) Corporate Social Responsibility (CSR): In the ulul albab paradigm, companies are not only responsible for economic gains but also for social and environmental welfare, all in line with the principles of natural balance and morality.²¹

Overall, ulul albab views that consumer culture and protection should be grounded in principles of justice, social responsibility, and a balance between material and spiritual needs, leading to a more ethical, fair, and sustainable society.

Given the background issues discussed earlier, this research investigates three key questions: (a) Despite 23 years of implementing the Consumer Protection Law (UUPK), why has Indonesia's consumer legal culture, as reflected in the Consumer Empowerment Index (IKK), not significantly advanced empowerment? (b) What are the consequences of the insufficient consumer legal culture for consumer protection? (c) How can the restructuring of Indonesia's consumer legal culture using the Ulul Albab paradigm be successfully put into practice?

The study aims to: 1. Analyze the primary factors contributing to the limited progress of Indonesia's consumer legal culture despite 23 years of enforcing the Consumer Protection Law (UUPK). 2. Evaluate the implications of the inadequate consumer legal culture on consumer protection in Indonesia.

¹⁸ Abdullah Yusuf Ali. *Op.Cit.*

¹⁹ M Kamal M. Amjad Mian, and Samuel L. Hayes, *Journal of Law and Religion* 15, no. 1/2 (2000): 475–79; Iqbal, Z., and A. Mirakhor, *An Introduction to Islamic Finance: Theory and Practice* (Hoboken, NJ: John Wiley & Sons, 2011).

²⁰ Khan, M. M., and M. I. Bhatti, "Development in Islamic Banking: A Financial Risk-Allocation Approach," *The Journal of Risk Finance* 9 (2008): 40-51; Muhammad Akram Khan, *Theory of Consumer Behavior: An Islamic Perspective*, 2020.

²¹ Mallin, Christine, Hisham Farag, and Kean Ow-Yong, "Corporate Social Responsibility and Financial Performance in Islamic Banks," *Journal of Economic Behavior & Organization* 103, Supplement (2014): S21-S38; El-Gamal, Mahmoud A, *Islamic Finance: Law, Economics, and Practice* (Cambridge: Cambridge University Press, 2006).

3. Suggest an innovative framework to strengthen Indonesia's consumer legal culture, inspired by the Ulul Albab paradigm, aimed at enhancing consumer empowerment.

The novelty of this article lies in the Ulul Albab approach, which integrates knowledge, ethics, and spirituality in consumer empowerment. This approach offers a new perspective on the development of consumer legal culture in Indonesia. The benefits intended to be achieved in this research are theoretical benefits as a conceptual contribution to the development of consumer protection law in Indonesia. Additionally, practical benefits include serving as a reference for formulating consumer empowerment policies based on the Ulul Albab paradigm.

The study employs a hybrid approach of legal research, integrating both doctrinal and empirical methodologies, commonly referred to as socio-legal research.²² This methodology blends traditional legal research methods with empirical techniques borrowed from the social sciences. Initially, the research conducts doctrinal legal research by: (a) Compiling pertinent legislation concerning the legal issues under examination, (b) Assessing the coherence of these laws based on their hierarchical structure, (c) Identifying any inconsistencies between these legislative regulations, (d) Exploring the philosophical underpinnings that led to the formulation of these laws.

Furthermore, the research conducts a critical analysis of the provisions in these legal documents to clarify their implications for legal subjects. It examines how these provisions affect the circumstances of legal subjects, evaluating whether they have positive or negative consequences.²³ Furthermore, empirical legal research investigates the present condition of consumer legal culture and its impact on consumer protection. This serves as the foundation for suggesting improvements in consumer legal culture.

The socio-legal approach is employed to examine how legal norms are implemented and interact within society.²⁴ This method integrates conceptual and legislative perspectives, anchoring the research in legal theories, norms, and scholarly insights.²⁵ Qualitative data forms the core of this study,

²² Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004), 52. Soerjono Soekanto suggests that legal research can be conducted autonomously or integrated into both doctrinal and empirical studies, depending on the approach chosen. Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif* (Jakarta: Rajawali Press, 1985), 5; Sulistyowati Irianto dan Shidarta, ed., *Metode Penelitian Hukum: Konstelasi Dan Refleksi*, (Jakarta: Yayasan Obor Indonesia, 2017), 173.

²³ Ibid.

²⁴ Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi*, Cetakan 3 (Jakarta: Rajawali Press, 2013), 23.

²⁵ Muhaimin, *Metode Penelitian Hukum* (Mataram-NTB: Unram Press, 2020), 56, 88; Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Prenada Media Group, 2010), 93-95.

encompassing non-statistical information gathered from interviews and written sources. Primary data is obtained through structured interviews conducted with key stakeholders such as the Department of Trade and Industry in Yogyakarta, Central Java, East Java, West Java, and the Consumer Technical Implementation Unit (UPT) in Malang City, East Java.

Secondary data consists of previously conducted studies, characterized by their pre-existing nature and compiled by earlier researchers without temporal or geographical limitations.²⁶ This includes (a) Essential legal documents related to consumer protection, including Law No. 8 of 1999, Government Regulation No. 59 of 2001 concerning LPKSM, Minister of Trade Regulations No. 06/M-DAG/PER/2/2017, and No. 72 of 2020 on Consumer Dispute Settlement Agencies. Additionally, reports from the Directorate General of Consumer Protection and Trade Compliance for fiscal years 2018-2020 serve as crucial references. (b) Supplementary legal sources are derived from previous research findings that are pertinent to the specific legal issues being studied. (c) Legal dictionaries and encyclopedias, which fall under tertiary legal materials, offer comprehensive explanations and analyses of legal concepts and principles.²⁷

Data collection methods include structured interviews aimed at minimizing redundancy, while secondary data is gathered through documentation and online searches using internet technology. These methodologies ensure comprehensive and timely access to data across various periods. The research data is subjected to descriptive analysis, utilizing both descriptive and predictive analytical methods. Descriptive analysis depicts the present condition of consumer legal norms, while predictive analysis anticipates their future direction. Prescriptive analysis subsequently recommends actionable measures to tackle current issues and steer the evolution of consumer legal norms, drawing inspiration from the ulul albab paradigm.

B. Discussion

1. Main Reasons for Ineffectiveness in Indonesia's Consumer Legal Norms

Legal culture pertains to the values, attitudes, and norms of behavior that shape the interaction of a society with its legal framework.²⁸ It encompasses public perceptions and attitudes toward legal institutions and can be divided

²⁶ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: PT Rajagrafindo Persada, 2006), 23-24.

²⁷ Soerjono Soekanto, *Pengantar Metode Penelitian Hukum* (Jakarta: FH UI Press, 1982), 52.

²⁸ Muhammad Syamsudin, "Budaya Hukum Llmuan Tentang Hak Cipta: Suatu Penelitian Hukum Empiris," *Jurnal Hukum IUS QUIA IUSTUM* 9, no. 19 (2002), 150. 210

into internal and external legal cultures.²⁹ External legal culture concerns the broader population, while internal legal culture pertains to specialized legal communities.³⁰ In consumer law discussions, "Indonesian consumer legal culture" describes how consumers understand and comply with consumer protection laws in Indonesia.

Bernard Arief Sidharta emphasizes that legal culture comprises the values, attitudes, and sentiments embraced by both citizens and officials towards the law.³¹ He argues that fostering legal development requires a deliberate and rational approach to promote civic engagement, thereby enhancing the implementation and enforcement of laws. According to J.J. von Schmid, a healthy legal culture is characterized by legal awareness (*rechtsbewustzijn*), whereas an unhealthy legal culture manifests in spontaneous and unreflective societal judgments about the law (*rechtsgevoel*).³² Legal awareness arises from thoughtful reasoning and argumentation, influencing how individuals interpret and apply legal principles in society.

Legal awareness progresses through four stages: legal knowledge, understanding, attitudes, and behavioral patterns.³³ It extends beyond mere cognitive comprehension to include the grasp and effective communication of legal concepts. This understanding cultivates a positive legal attitude, promoting consistent compliance with the law, which is crucial for nurturing a robust legal culture.

The culmination of legal awareness is legal adherence, which assesses how effectively individuals align their behaviors with legal standards. However, achieving legal compliance only sometimes equates to the highest level of legal awareness. Bernard Arief Sidharta and Agus Riyanto identify several factors influencing compliance, such as fear of penalties, genuine commitment, societal influence, limited alternatives, or a combination of these

²⁹ Lawrence Freidman, *Sistem Hukum Perspektif Ilmu Sosial*, Cet. IV (Bandung: Nusamedia, 2018), 255.

³⁰ David Nelken, "Using The Concept of Legal Culture," *Australian Journal of Legal Philosophy* 29 (2004), 8; David Nelken, "Thinking About Legal Culture," *Asian Journal of Law and Society* 1, no. 2 (2014), 9; Josefa Dolores Ruiz-Resca, "Legal Culture on Justice and Truth: The Tribunals of Inquiry about Bloody Sunday," *Age of Human Rights Journal* 15, no. 15 (2020), 79. See also Lawrence Freidman, *Sistem Hukum Perspektif Ilmu Sosial*, 75-76.

³¹ Bernard Arief Sidharta, *Refleksi Struktur Ilmu Hukum: Sebuah Penelitian Tentang Kefilsafatan Dan Sifat Keilmuan Hukum Sebagai Landasan Pengembangan Ilmu Hukum Nasional Indonesia* (Bandung: Mandar Maju, 2009), 75-76.

³² C.F.G. Sunaryati Hartono, *Peranan Kesadaran Hukum Masyarakat Dalam Pembaharuan Hukum* (Jakarta: Binacipta, 1976), 3.

³³ Soerjono Soekanto, *Kesadaran Hukum dan Kepatuhan Hukum* (Jakarta: Rajawali Press, 1982), 140; Soerjono Soekanto, "Kesadaran Hukum Dan Kepatuhan Hukum," *Jurnal Hukum & Pembangunan* 7, no. 6 (1977), 140.

factors.³⁴ These factors are pivotal in influencing how individuals adhere to legal norms and have a significant impact on the broader legal culture of society.

Sunaryati Hartono categorizes legal culture into three typologies:³⁵ 1. Pre-conventional legal culture, characterized by self-centered motives where individuals primarily seek personal gain by opportunistically utilizing legal mechanisms. 2. Conventional legal culture, focused on established norms, principles, and compliance with the law. Individuals in this culture refrain from violating laws not only due to fear of sanctions but also because they recognize actions as inherently unlawful. 3. Post-conventional legal culture, characterized by critical thinking and conscientiousness. Individuals in this culture advocate for improvements in legal and social conditions for the common good, continuously striving for advancements aligned with societal interests.³⁶

In the context of enhancing consumer empowerment, it is structured into five tiers as outlined in Presidential Regulation Number 50 of 2017 regarding the National Consumer Protection Strategy:³⁷

No.	Country	Consumer Empowerment Index (CEI)	Score	Year of Consumer Protection Law
1	Thailand	Empowered	107/130	1979
2	Malaysia	Moderately Empowered	94,48/130	1999
3	Filipina	Moderately Empowered	93/130	1992
4	Brunei Darussalam	Moderately Empowered	83/130	2011
5	Viet Nam	Moderately Empowered	82,96/130	2010
6	Myanmar	Moderately Empowered	80,94/130	2014
7	Laos	Least Empowered	77,97/130	2010
8	Indonesia	Least Empowered	72,70/130	1999
9	Singapura	Least Empowered	70,79/130	2003
10	Kamboja	Least Empowered	68,85/130	2019

Source: ASEAN Consumer Empowerment Index (CEI) 2020 (processed)

The Consumer Empowerment Index (IKK) in Indonesia has exhibited diverse trends over the years: In 2015, it began at 34.17 and was categorized at the comprehension level in Bloom's taxonomy. The following year, it sharply declined to 30.86, remaining at the comprehension level. By 2017, there was a slight increase to 33.7, still at the comprehension level. In 2018,

³⁴ Agus Riyanto, Mengapa Orang Mentaati Hukum, <https://business-law.binus.ac.id/2019/11/11/mengapa-orang-menaati-hukum/>.

³⁵ Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia, *Dokumen Pembangunan Hukum Nasional Tahun 2020* (Jakarta: Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia, 2020). 86

³⁶ Bernard L. Tanya, *Politik Hukum: Agenda Kepentingan Bersama* (Yogyakarta: Genta Publishing, 2011).

³⁷ Strategic Plan of the Directorate General of Consumer Protection and Trade Compliance 2020-2024, 11.

there was a significant rise to 40.41, reaching the ability level in Bloom's taxonomy.

In 2017, the IKK of 33.7 was significantly affected by two dimensions with low scores: (1) legal knowledge and familiarity with consumer protection institutions scored 17.2, and (2) complaint behavior scored 15.71. Complaint behavior, which contributes 40% to the IKK score, had a substantial influence on the overall index. Reasons cited by consumers for not filing complaints included: a. Laziness. b. Lack of time. c. Low purchase value. d. Uncertainty about complaint procedures. e. Reluctance to inconvenience others. f. Feeling uncomfortable. g. Sympathy toward the seller. Another area that showed low scores was understanding the legal understanding and familiarity with consumer protection entities.³⁸

In 2016, a survey carried out by the Ministry of Trade revealed concerning statistics about how familiar the public was with the 18-year-old Consumer Protection Law (UUPK). Only 30.0% of Indonesians were aware of the UUPK, and among them, 52.0% had not heard of it and needed help understanding its provisions. Moreover, just 30.0% of the population were familiar with their consumer rights and obligations.³⁹

By 2018, Indonesia's Consumer Empowerment Index (IKK) had reached 40.41%, categorized as the ability level. The lowest scores were observed in complaint behavior (16.97) and knowledge of laws and consumer protection institutions (11.44). In 2019, the IKK slightly improved to 41.70, with persistent weaknesses in legal knowledge, awareness of consumer protection institutions, and complaint behavior. By 2020, following a survey across 34 provinces, the IKK rose to 49.07, yet challenges persisted in areas such as legal understanding, familiarity with consumer protection institutions, and complaint handling.⁴⁰

In 2020, ASEAN launched the Consumer Empowerment Index (CEI), employing different indicators compared to IKK. ASEAN's CEI categorizes consumer empowerment into levels: Empowered (104-130 points), Sufficiently Empowered (78-103 points), and Less Empowered (below 78 points). ASEAN's CEI for consumer empowerment was recorded at 63.7%

³⁸ Directorate General of Consumer Protection and Trade Compliance, 2018, Report of the Directorate General of Consumer Protection and Trade Compliance Fiscal Year 2018, 26.

³⁹ Presidential Regulation Number 50 of 2017, "National Consumer Protection Strategy," Annex (Jakarta: Government of Indonesia, 2017), 9.

⁴⁰ Report of the Directorate General of Consumer Protection and Trade Compliance Fiscal Year 2020, 8. Press Release, Public Relations Directorate General of Consumer Protection and Trade Compliance, "Empower Consumers and Hold Businesses Accountable, Government Commemorates National Consumer Day" on April 21, 2021; Report of the Directorate General of Consumer Protection and Trade Compliance Fiscal Year 2020.

(82.9 points out of 130), signaling moderate to sufficient consumer empowerment across member states.

Below is a table detailing the scores of each country according to the ASEAN Consumer Empowerment Index (ACEI):

Consumer Empowerment Index (CEI) Table in ASEAN 2020

	Awareness		Skills		Behaviours		CEI	
	Score (40)	Percentage (%)	Score (40)	Percentage (%)	Score (40)	Percentage (%)	Score (40)	Percentage (%)
ASEAN	23.00	57.50	30.0	66.67	29.90	64.44	82.90	63.77
Brunei Darussalam	20.00	50.00	33.00	73.33	30.00	66.67	83.00	63.85
Cambodia	17.37	43.43	24.32	54.04	27.16	60.36	68.85	52.96
Indonesia	17.27	43.18	29.68	65.96	25.74	57.20	72.70	55.92
Lao PDR	20.02	50.05	30.04	66.76	27.91	62.02	77.97	59.98
Malaysia	33.0	82.50	30.44	67.64	31.01	68.91	94.48	72.68
Myanmar	21.56	53.90	29.85	66.33	29.55	65.67	80.95	62.27
Philippines	27.00	67.50	32.00	71.11	34.00	75.56	93.00	71.54
Singapore	17.09	42.73	33.38	74.18	20.32	45.16	70.79	54.45
Thailand	36.00	90.00	34.00	75.56	37.00	82.22	107.00	82.31
Viet Nam	23.56	58.90	28.82	64.04	30.58	67.96	82.96	63.82

Source: CEI ASEAN 2020

The results of the ACEI emphasize Thailand as the ASEAN nation with the highest level of consumer empowerment. In contrast, Indonesia ranks relatively low despite having well-established consumer protection laws, positioned third from the bottom after Cambodia and Singapore. Overall, Indonesia holds the eighth position, trailing behind Brunei Darussalam, Laos, Vietnam, Myanmar, Thailand, and Malaysia. This ranking underscores the importance of implementing specific measures, such as online campaigns aimed at rural areas and educational institutions, to enhance consumer awareness.

The Consumer Empowerment Index demonstrates the range of legal cultures across ASEAN countries, depicting differing levels of empowerment, as outlined in the table below:

The table comparing Legal Culture and Consumer Empowerment Index (CEI)

No.	Legal Culture Typology	Consumer Empowerment Index Level
1	Pre-conventional	Aware and Able
2	Conventional	Able
3	Post-conventional	Critical and Empowered

The Consumer Empowerment Index (CEI) examines how consumer legal culture relates to levels of consumer empowerment. While foundational elements are laid by pre-legal and traditional legal cultures, achieving the highest level of legal awareness termed legal compliance is crucial for consumers. This level, reflected in CEI categories 1 (aware) and 2 (capable), signifies adherence to legal responsibilities in transactions. However, true empowerment goes beyond awareness; it requires legal empowerment,

enabling consumers to assert their rights when obligations are not met effectively.

Being a responsible consumer means more than fulfilling obligations; it involves actively advocating for personal benefit, fellow consumers, and the environment. This proactive approach to asserting consumer rights defines an empowered consumer, demonstrating a strong sense of civic responsibility in market interactions and advocacy. Continuous efforts are crucial to enhance legal awareness and effectively empower consumers, enabling them to assert their rights and contribute positively to society confidently.

In Indonesia, there is a recognized need for increased consumer empowerment, especially within critical institutions: Government agencies responsible for consumer protection, including the Civil Society Consumer Protection Agency (LPKSM), are mandated by the Consumer Protection Law (UUPK) to empower consumers through education and guidance within a solid legal framework.

Firstly, the government plays a pivotal role in consumer empowerment, with constitutional mandates for consumer education as part of national development. However, the implementation of consumer protection efforts needs improvement. Law Number 23 of 2014 delegates consumer protection responsibilities to provincial levels, leading to uneven implementation due to challenges like limited workforce and vast geographical coverage. For example, despite the establishment of the Technical Implementation Unit for Consumer Protection in East Java, consumer empowerment levels still require enhancement. Varying approaches across regions highlight the necessity for cohesive governmental strategies and more substantial commitments to consumer education to ensure equitable and effective protection nationwide.

The creation of Consumer Protection Task Units (UPTs) in East Java aims to decentralize efforts and boost consumer empowerment. However, logistical and resource constraints have hindered significant progress in these units' effectiveness. The Smart Consumer Clinic program, a cornerstone of consumer empowerment at UPT PK, seeks to educate consumers about their rights through outreach activities in schools, markets, malls, and offices. This initiative aims to cultivate knowledgeable consumers who are aware of their rights and obligations in transactions.⁴¹ Nevertheless, despite the program's implementation, it is still necessary to evaluate its effectiveness, even though reports suggest that East Java leads in the national consumer empowerment index.

Challenges hindering program success include (a) a shortage of human resources dedicated to consumer empowerment under the Provincial Government, limiting direct outreach across districts/cities; (b) insufficient

⁴¹ Daryono, Chairperson of the Consumer Empowerment and Business Actors Section at the Consumer Protection UPT East Java-Malang, interviewed by the author in Malang on April 1, 2023.

budgetary support for consumer protection and trade regulation, highlighting the low prioritization of consumer protection by Regional Governments; (c) inadequate attention from regional leaders towards supervising and promoting consumer protection; (d) frequent turnover of human resources in regions, leading to a decline in expertise and certification; (e) broad coverage areas for empowerment efforts following the implementation of the Regional Government Law, resulting in low intensity of consumer empowerment initiatives.

These factors contribute to the government's failure in prioritizing consumer empowerment, exacerbated by limited budgets and challenges in effectively implementing consumer protection policies across Indonesia's geographically diverse regions.

Secondly, LPKSM, which stands for Community-Based Consumer Protection Institutions in Indonesia, governed by Article 44(3) of the Consumer Protection Law, fulfills diverse roles in consumer education and protection. Their participation indicates a shared responsibility for consumer concerns. However, it also signifies potential deficiencies in governmental capacity for consumer education, prompting the involvement of private sector entities such as LPKSM.

Currently, Indonesia hosts 319 LPKSM, nearly matching the country's total of 514 regencies/cities.⁴² However, their distribution is uneven, predominantly clustering in certain regions, particularly Java and Bali. This concentration leaves many areas, especially outside these regions, without LPKSM support. In fact, five provinces lack any LPKSM presence at all.⁴³ In summary, while LPKSM play a crucial role in consumer protection and education, their uneven distribution across Indonesia highlights challenges in ensuring comprehensive coverage and effective consumer support nationwide.

The concentration of LPKSM in specific regions creates uneven empowerment efforts, posing challenges in consumer empowerment. A 2016 study by the Ministry of Trade's Domestic Trade Research Center highlights obstacles LPKSM face, including limited human resources, operational funds,

⁴² National Consumer Protection Agency (BPKN), "Data dan Alamat Lembaga Perlindungan Konsumen Swadaya Masyarakat Di Indonesia," BPKN Official Website,

https://bpkn.go.id/mitra/list/cat/26/id_prop/16/nama/BALI/namac/Data%20dan%20Alamat%20Lembaga%20Perlindungan%20Konsumen%20Swadaya%20Masyarakat%20Di%20Indonesia.

⁴³ According to the Annex to Presidential Regulation Number 50 of 2017 on the National Consumer Protection Strategy, in 2016, out of the total 171 Consumer Dispute Resolution Bodies (BPSK), only 112 were operational. Presidential Regulation Number 50 of 2017, "National Consumer Protection Strategy," Annex (Jakarta: Government of Indonesia, 2017), 27.

and negative community perceptions. Financial constraints hinder LPKSM from effectively conducting educational activities; many do not charge fees due to their non-profit status. They lack adequate financing sources, and government support mechanisms are lacking. Some LPKSM operate without legal establishment, focusing more on advocacy than education, impacting their effectiveness. Consumer education initiatives by both LPKSM and the government are often short-term, complicating impact assessment, with inadequate coordination among LPKSM and with the government.⁴⁴

2. The Consequences of a Limited Consumer Protection Legal Culture in Indonesia

Legal protection originates from natural law, which combines divine and human reasoning to establish timeless and universally valid norms relevant to modern society. Human Rights (HR) embody these principles, applying universally to every individual and encompassing fundamental freedoms such as the right to life and safety.⁴⁵

This aligns with 18th-century natural law emphasizing individual freedom and reason, as championed by John Locke, who viewed law as safeguarding inherent rights through social contracts that do not grant absolute power to rulers.⁴⁶ Immanuel Kant further solidifies law's role in protecting human rights and citizen freedoms, asserting the state's duty to ensure prosperity and happiness without infringing upon these rights.⁴⁷

The preamble of Indonesia's 1945 Constitution reflects these ideals, aiming to protect the nation and promote welfare based on freedom, peace, and social justice. Roscoe Pound's theory of interest categorizes law's protective roles

⁴⁴ Muhammad Thoriq Maulana et al., "Analisis Kelompok Konsumen (Consumer Group) Dalam Upaya Peningkatan Keberdayaan Konsumen," *Pusat Pengkajian Perdagangan Dalam Negeri Badan Pengkajian dan Pengembangan Kebijakan Perdagangan Kementerian Perdagangan* (Jakarta, 2016), 91-93.

⁴⁵ According to its sources, natural law can originate either from divine authority (irrational) or human reason (rational). The concept of natural law deriving from divine authority was principally developed by medieval academic thinkers such as Thomas Aquinas, Gratian, John of Salisbury, Dante, Pierre Dubois, Marsilius of Padua, and Johannes Haus, among others. On the other hand, proponents of natural law based on human reason include Hugo Grotius, Christian Thomasius, Immanuel Kant, Fichte, Hegel, and Rudolf Stammler. Friedmann observes that the history of natural law reflects humanity's ongoing pursuit of discovering absolute justice despite encountering challenges. Lili Rasjidi dan Ira Thania Rasjidi, *Dasar Dasar Filsafat Dan Teori Hukum* (Bandung: Citra Aditya Bakti, 2007), 48; Marwan Mas, *Pengantar Ilmu Hukum* (Jakarta: Galia Indonesia, 2004), 116.

⁴⁶ I Nyoman Putu Budiarta Atmadja, I Dewa Gede, *Teori-Teori Hukum* (Malang: Setara Press, 2018), 111.

⁴⁷ Bernard L. Tanya, Yoan N. Simanjuntak, & Markus Y. Hage, *Teori Hukum. Strategi Tertib Manusia Lintas Ruang Generasi* (Yogyakarta: Genta Publishing, 2010), 73-75.

into personal, societal, and public interests, encompassing consumer protection as safeguarding individual consumer rights within this framework.⁴⁸

Consumer protection, as articulated in the opening paragraph of the first article of the Consumer Protection Law, seeks to guarantee legal clarity and uphold the rights of consumers, encompassing both tangible and intangible aspects. It ensures protection through laws and regulations aimed at preventing unfair trading practices. The Academic Draft Harmonization of the Consumer Protection Bill emphasizes the significance of establishing legal certainty to uphold the rights and responsibilities of consumers.⁴⁹

Consumer rights globally encompass a range of entitlements that can be classified as either legal guarantees or ethical principles.⁵⁰ John F. Kennedy's proposal of the "Consumer Bill of Rights" in 1962 emphasized entitlements such as safety, information, choice, and the ability to voice concerns aimed at protecting economic interests and ensuring safety.⁵¹ Over time, Consumer International has expanded these rights to include access to safe products, comprehensive information, avenues for redress, education, freedom of choice, the fulfillment of basic needs, and the preservation of a healthy environment. This organization advocates for robust global consumer protection standards.⁵²

Consumer protection policies are designed to empower consumers and safeguard their economic interests and safety.⁵³ Article 3 of Indonesia's Consumer Protection Law (UUPK) delineates these policies, with a focus on enhancing consumer awareness, independence, and capacity to protect themselves. These policies also seek to preserve consumer dignity by preventing adverse impacts from products and services, thereby enabling

⁴⁸ Roscoe Pound, "A Survey of Social Interests," *Harvard Law Review* 57, no. 1 (1943), 1. See also Joseph Clarence Verhelle, "Roscoe Pound and His Theory of Social Interests" (Loyola University Chicago, 1958). Roscoe Pound, "A Survey of Public Interests," *Harvard Law Review* 58, no. 7 (1945): 909–929. 37, 110, 111.

⁴⁹ Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia, *Hasil Penyelarasan Naskah Akademik Rancangan Undang-Undang Tentang Perlindungan Konsumen* (Jakarta: Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia, 2020), 205.

⁵⁰ B.A Garner, *Black's Law Dictionary*, 8th edition (St Paul Minnesota: West Publishing Co, 2004), 7347.

⁵¹ Gretchen Larsen and Rob Lawson, "Consumer Rights: An Assessment of Justice," *Journal of Business Ethics* 112, no. 3 (2013): 515–528.

⁵² Consumers International, "Home," <https://www.consumersinternational.org/>; Ahmadi Miru dan Sutarman Yodo, *Hukum Perlindungan Konsumen* (Jakarta: PT Rajagrafindo Persada, 2004), 39; Gunawan Widjaja & Ahmad Yani, *Hukum Tentang Perlindungan Konsumen* (Jakarta: Gramedia Pustaka Utama, 2003), 27–28.

⁵³ Jana Kissová and Gabriela Dubcová, "Current Measures and Challenges to Strengthen Consumer Protection," *SHS Web of Conferences* 115 (2021): 03007.

consumers to assert their rights effectively. Furthermore, they aim to establish legal certainty, promote transparency, ensure access to information, encourage responsible business practices, and enhance the quality of goods and services.

The proposed academic revision of the Consumer Protection Bill builds on these objectives, emphasizing the government's role in protecting consumer rights and ensuring transparent access to information. It aims to elevate consumer awareness and autonomy, empower consumers to make informed decisions, uphold ethical standards in business transactions involving consumers, and enhance the safety of products and services. Additionally, it advocates for sustainable business practices to benefit both consumers and society at large.

Nevertheless, a strong legal culture for consumers can support these initiatives. Inadequate mechanisms for consumer complaints and advocacy may enable businesses to perpetuate harmful practices unchecked, affecting not just individual consumers but also the wider public.

In the realm of consumer protection, filing complaints or lawsuits with the Consumer Dispute Settlement Agency (BPSK) represents consumers' endeavors to assert their rights. However, the effectiveness of BPSK is impeded by issues associated with Consumer Complaint Handling Institutions (IKK) and the general lack of consumer empowerment (CEI). Theoretical factors affecting BPSK's efficiency include aspects ranging from case initiation to resolution via arbitration or mediation.

Three key factors influence the filing of cases: legal knowledge, financial capability, and legal culture. Despite the absence of litigation fees at BPSK, costs associated with accessing its services can deter consumer complaints, especially in areas without nearby BPSK offices. Legal culture, encompassing public knowledge, attitudes, and behaviors towards the legal system, remains insufficient to ensure BPSK's effectiveness.⁵⁴

According to legal scholars like J.J. von Schmid and Soerjono Soekanto, a robust legal culture progresses through stages of legal knowledge, understanding, attitudes, and behavioral patterns. However, mere cognitive awareness does not guarantee effective legal consciousness. True legal empowerment requires a positive legal attitude and adherence to legal behavioral norms.

Ultimately, consumer protection under the Consumer Protection Law (UUPK) aims to enhance consumer empowerment, enabling individuals to independently assert their rights. Only with legal empowerment can

⁵⁴ Eka, who served as the Chairman of BPSK Malang City from 2016 to 2021, was interviewed by the Department of Cooperatives and Trade of Malang City on September 29, 2021.

consumers effectively protect themselves and advocate for their rights against business practices that may infringe upon them.⁵⁵

3. Ulul Albab's Paradigm Approach to Post-Conventional Legal Culture of Consumers in Indonesia

Reconstruction involves redefining consumer engagement with business practices, assessed through the Consumer Empowerment Index to identify potential risks.⁵⁶ The goal of reshaping consumer legal culture aims to transition from the current traditional legal framework (assessed as "capable" in the Consumer Empowerment Index) to an advanced stage (described as "critical and empowered"). This transformation is essential because consumer vulnerability significantly influences both preventive and punitive measures in consumer protection initiatives.

The Consumer Protection Law (UUPK) underscores that consumer empowerment is constrained by their limited bargaining power, often due to insufficient education. Education, recognized as a consumer right, is the responsibility of the state to fulfill as part of its role in societal enlightenment. Therefore, empowering consumers through education is crucial for reforming consumer legal culture. The Ulul Albab paradigm plays a central role in this endeavor by introducing the Tarbiyah Ulul Albab theory. This theory aims to cultivate Ulul Albab's personality among consumers, shaping their character towards critical thinking and empowerment. Thus, promoting Ulul Albab's character traits is considered essential in reconstructing the legal culture of the consumer.

In the *Lisan Al-Arab* dictionary, Ulul Albab is derived from "ulu" meaning to possess and "al-bab" suggesting intellectual capacity or residence in a place.⁵⁷ Etymologically, Ulul Albab refers to those who possess intelligence. In Indonesian, it commonly denotes intelligence.⁵⁸ According to M. Quraish Shihab in *Al-Misbah* commentary, Ulul Albab grasp wisdom in nature and

⁵⁵ Article 3, Section C of the Consumer Protection Law (UUPK) affirms that consumers have the entitlement to receive precise, transparent, and truthful details regarding products or services they intend to purchase or utilize. This includes information concerning pricing, materials used, and instructions for usage.

⁵⁶ B.A Garner, *Black's Law Dictionary*, 1278.

⁵⁷ Ibn Manzur, *Lisan Al-Arab* (Mesir: Dar Masriyah wa al-Ta'lif wa al-Tarjamah, 1993), 128-129.

⁵⁸ Imaniar Mahmuda, "Imaniar Mahmuda, Konsep Ulul Albab Dalam Kajian Tafsir Tematik," *Jurnal Qolamuna* 3, no. 2 (2018): 219-234, 22.

social behavior.⁵⁹ Dawam Rahardjo adds meanings like broad-mindedness, sensitivity, intellect, insightfulness, accuracy, and wisdom.⁶⁰

Ulul Albab represents a figure of intellectual prowess, spiritual depth, and dedication to advancing society positively, embodying leadership qualities.⁶¹ Another perspective portrays Ulul Albab as a proficient Muslim intellectual with keen analytical skills.⁶² Mentioned in the Quran in 16 verses across ten surahs, Ulul Albab is a believer characterized by profound knowledge, exemplary character, devotion, and awareness of societal issues. They integrate reflection, contemplation, and righteous actions into their lives.⁶³

Imam Suprayogo suggests that involvement in remembrance (zikir), thoughtful reflection (pikir), and practicing virtuous actions (amal saleh) can contribute to achieving both physical and spiritual well-being. This ideal state, known as the best human, entails consistent community service and excellence in all activities. The Ulul Albab paradigm, according to Imam Suprayogo, shapes an exceptional generation embodying these values. He emphasizes that the trilogy of Ulul Albab values remembrance, contemplation, and righteous deeds form a complete unity crucial at every stage of learning.⁶⁴

The trilogy mentioned encompasses four key attributes: spiritual depth, moral integrity, Breadth of knowledge, and professional maturity. Spiritual depth involves living by spiritual values, recognizing Allah's presence, appreciating His creation, and showing reverence to Him alone. Moral integrity consists of upholding noble conduct aligned with Islamic teachings, fostering personal growth in faith, speech, actions, patience in adversity, and ethical discernment.⁶⁵

The Breadth of knowledge emphasizes intelligence and problem-solving abilities within one's field, driven by a genuine thirst for knowledge and the effective use of both intellectual and emotional faculties. Professional

⁵⁹ St. Magfirah Nasir, "Ulul Albab Dalam Al-Qur'an (TAFSIR TEMATIK)," *Aqlam: Journal of Islam and Plurality* 6, no. 2 (2021): 170–185, 174.

⁶⁰ M. Dawam Rahardjo, *Ensiklopedi Al-Qur'an: Tafsir Sosial Berdasarkan Konsep-Konsep Kunci* (Jakarta: Paramadina, 2002), 557.

⁶¹ A Khudori Soleh, *Mengenal Laboratorium Ulul Albab* (Malang: UIN Malang Press, 2007), 68.

⁶² Muhaimin, *Arah Baru Pengembangan Islam, Pemberdayaan, Pengembangan, Kurikulum Hingga Redefinisi Islamisasi Ilmu Pengetahuan* (Jakarta: Nuansa, 2003), 268.

⁶³ M. Zainuddin, *Paradigma Pendidikan Terpadu: Menyiapkan Generasi Ulul Albab* (Malang: UIN Malang Press, 2008), 85.

⁶⁴ Imam Suprayogo, *Tarbiyah Ulul Albab: Dzikir, Fikir, Dan Amal Shaleh* (Malang: UIN Malang Press, 2002), 2-4.

⁶⁵ Imam Suprayogo, "Membangun Integrasi Ilmu Dan Agama: Pengalaman Uin Maulana Malik Ibrahim Malang," in *Integration and Interconnection of Sciences "The Reflection of Islam Kaffah"* (Sumatera Barat: IAIN Batu Sangkar, 2016), 15–16, 42.

maturity is demonstrated through ethical behavior, responsible knowledge sharing, and active engagement in community problem-solving. Imam Suprayogo utilizes these attributes as standards for cultivating scholars at Maulana Malik Ibrahim State Islamic University in Malang, stressing their essential role in shaping well-rounded individuals committed to societal welfare.⁶⁶

The Tarbiyah Ulul Albab theory revolves around the Ulul Albab paradigm, emphasizing education that develops individuals dedicated to remembrance (zikir), critical thinking (pikir), and righteous actions (amal shalih). This approach aims to cultivate four fundamental strengths: spiritual depth, moral integrity, broad knowledge, and professional maturity. Tarbiyah, encompassing education in Arabic, involves nurturing the human soul through disciplined Islamic knowledge and striving for continuous improvement, aiming to realize one's full potential guided by divine teachings.⁶⁷

Tarbiyah Ulul Albab seeks to develop individuals who are deeply committed to their faith, devout, well-informed, morally upright, diligent in religious practices, and socially conscious. This approach underscores the integration of the Ulul Albab paradigm and its associated theories to foster a discerning and conscientious legal culture for consumers in Indonesia. Education assumes a pivotal role in empowering individuals and shaping a legal culture that not only upholds and complies with laws but also engages critically with them, thereby promoting the interests of law, nation, and state. This cultural evolution is facilitated through educational initiatives, training, guidance, and exemplary ethical behavior.⁶⁸

Tarbiyah Ulul Albab aims to empower individuals with comprehensive knowledge, enabling them to understand their rights, obligations, and responsibilities in consumer transactions. Consumer education encompasses understanding the legal framework of consumer protection and the roles played by protective institutions. It also equips consumers with practical skills such as basic arithmetic for making informed purchasing decisions, interpreting packaging information, identifying risks, detecting fraud, and pursuing compensation claims.

Consumer knowledge in these areas needs to be improved in Indonesia, indicating a significant gap in consumer legal culture. Addressing these deficiencies requires exploring alternative methods to enhance consumer awareness and competence effectively. Tarbiyah Ulul Albab underscores the

⁶⁶ Rahmat Azis, *Ulul Albab Citra Diri Dan Religiusitas Mahasiswa Di Era Globalisasi* (Malang: UIN Malang Press, 2012), 55-59.

⁶⁷ M. Zainuddin, *Reformasi Paradigma Transformatif Dalam Kajian Pendidikan Islam* (Malang: UIN Maliki Press, 2011), 10-11.

⁶⁸ Guntur Kesuma, "Pemberdayaan Pendidikan Islam Dalam Upaya Mengantisipasi Kehidupan Masyarakat Modern," *Al-Tadzkiyyah: Jurnal Pendidikan Islam* 8, no. Mei (2017): 1689–1699.

development of individuals who are not only knowledgeable but also deeply faithful and morally upright. This faith serves as a foundational strength, enabling consumers to assert their rights in economic transactions and challenge infringements committed by businesses.

Throughout history, unethical business practices such as tampering with weights and measures have persisted for centuries.⁶⁹ Quranic verses explicitly condemn such behaviors, emphasizing the importance of fair measurement and weighing in transactions to prevent harm.⁷⁰ Manipulating these metrics, akin to reducing product quality, undermines consumer trust and disrupts economic stability, potentially leading to broader societal repercussions. Such actions are categorized as 'munkar,' condemned by society and contradicting divine values, contrasting sharply with 'makruf,' which promotes societal goodness and ethical standards.⁷¹

Their religious beliefs significantly influence consumers' capacity to address the economic injustices they encounter. This is underscored by a hadith that urges people to combat wrongdoing: "Whoever among you sees an evil action, let him change it with his hand; if he cannot, then with his tongue; and if he cannot, then with his heart, and that is the weakest of faith." This underscores the significance of vocalizing opposition to injustices when direct action is not feasible.⁷²

Therefore, according to this perspective, if a consumer encounters unethical business practices but chooses to remain silent, believing that refraining from personal involvement is sufficient and opting not to lodge complaints or report to authorities, their faith may be seen as lacking strength.

Tarbiyah Ulul Albab aims to cultivate individuals with exemplary character and a solid commitment to social responsibility. Social responsibility involves demonstrating concern for humanitarian and societal welfare. "Concern" entails attentiveness and empathy, while "social" encompasses activities and communication aimed at fostering community development, such as through donations or assistance. According to Suyadi, social responsibility is exhibited through attitudes and actions that show care for others or support for communities in need.⁷³

⁶⁹ M. Maksud Mahfudz, Vice Chairman of the Central Board of Nahdlatul Ulama and Chairman of the Grand Council of Professors at Gadjah Mada University, presented "Metrology Literacy: Compliant Traders, Protected Consumers" at a seminar organized by Jawa Pos and the Ministry of Trade of the Republic of Indonesia, held on September 21, 2021.

⁷⁰ Mardani, *Ayat-Ayat Dan Hadis Ekonomi Syariah* (Jakarta: Rajawali Pers, 2014), 90.

⁷¹ M. Quraish Shihab, *Tafsîr Al-Mishbâh: Pesan, Kesan, dan Keserasian al-Qur'ân*, Volume 6 (Jakarta: Lentera Hati, 2002), 701-702.

⁷² Abu Daud Sulaiman ibn al-Asy as al-Sijistani al-Azdi, *Sunan Abi Daud*, Juz 3 (t.t: Dar Ihya al-Turas al-Arabi, t.th), 491.

⁷³ Suyadi, *Strategi Pendidikan Karakter* (Bandung: Remaja Rosdakarya, 2013), 9.

This concept aligns with Islamic values, particularly *itsar* (الإيتار), which emphasizes prioritizing others over oneself. It underscores the integration of faith principles into practical life, where faith is expressed through beliefs, declarations, and actions. Islam highlights not only the relationship between individuals and Allah but also interactions among humans and with the universe.

Consumers who possess profound knowledge and steadfast faith are empowered to actively champion the protection of their own and others' interests. Their strong commitment to social responsibility and ethical integrity allows them to make substantial contributions to initiatives aimed at safeguarding consumers. Protecting consumer rights thus becomes a fundamental obligation rooted in their faith, nurturing connections not only with Allah but also with fellow humans and the environment.

Consumers embodying a legal culture influenced by Ulul Albab exhibit qualities such as broad knowledge, strong faith, moral integrity, and social consciousness. This legal framework aligns with a post-conventional legal culture that values critical thinking and ethical principles. Societies characterized by a critical legal culture prioritize continuous improvement for the common good and steadfastly uphold ethical standards, demonstrating leadership and a commitment to human dignity.

Consumers who exemplify a commitment to benefiting others align with the teachings of Prophet Muhammad SAW, who praised those contributing positively to society. They embody *itsar*, willingly sacrificing for the greater good while maintaining respectful relationships with businesses. Guided by their legal culture, they uphold virtuous principles and actively oppose unethical practices, following the Quranic directive to promote what is right and discourage what is wrong.

Consumers embracing an Ulul Albab legal culture demonstrate critical thinking skills that enable them to skillfully analyze, interpret, and evaluate business practices. They excel in understanding terms and conditions, providing valuable consumer insights, reporting unsafe products, and seeking compensation when needed. Their active participation in consumer protection initiatives underscores their steadfast commitment to defending consumer rights and promoting fairness in the marketplace.

In summary, consumers with an Ulul Albab legal culture significantly contribute to both preventive and corrective measures in consumer protection. They play a crucial role in monitoring goods and services in the market, helping to prevent and address unfair business practices. Their vigilant actions are essential for shielding consumers from potential harm, particularly in environments with insufficient regulatory oversight.

Regarding corrective consumer protection, these consumers actively voice concerns about losses and potential risks, not only for themselves but also for others. Reporting these issues is vital for upholding consumer rights and

detering dishonest practices. Allowing such grievances to go unaddressed would perpetuate unethical behaviors, undermining trust and fairness in economic transactions.

Moving forward, the strategy to cultivate a robust legal culture involves a) raising public awareness about common issues to encourage collective efforts that enhance quality of life and b) empowering individuals and communities to assert themselves in interactions with dominant entities through heightened awareness and advocacy.⁷⁴ This strategic approach aims to equip consumers with the information and tools necessary to defend their rights and promote fairness in economic transactions, thereby fostering a more just and equitable society.

Reconstructing Consumer Legal Culture in Indonesia Based on the Ulul Albab Paradigm is an idea aimed at reshaping the legal culture of society, particularly consumers, in Indonesia by using the Ulul Albab approach. This paradigm originates from a concept in the Quran that refers to individuals who use reason and wisdom in decision-making, while adhering to high moral values.

Several key points in the context of reconstructing consumer legal culture based on the Ulul Albab paradigm are: 1) Rationality and Wisdom: The Ulul Albab paradigm emphasizes the importance of using reason and wisdom in all actions, including economic transactions and consumer protection. Consumers are expected not only to prioritize material interests but also to consider the moral, ethical, and social impacts of their choices.⁷⁵ 2) Consumer Legal Awareness: The current legal culture often neglects fair and transparent consumer protection. The Ulul Albab paradigm encourages consumers to be more aware and critical of their legal rights. With better knowledge and understanding, consumers can demand more optimal protection and reject harmful business practices.⁷⁶ 3) Justice and Balance: A core characteristic of Ulul Albab is a commitment to justice. The reconstruction of consumer legal culture needs to strengthen a fair system for all parties, both consumers and businesses. Regulations and law enforcement should aim for a balance of interests, ensuring no party feels disadvantaged.⁷⁷ 4) Ethics and Morality in Transactions: The Ulul Albab paradigm highlights the importance of ethical and moral values in daily life, including in economic and consumer legal

⁷⁴ National Legal Development Agency, Ministry of Law and Human Rights, Indonesia, *National Legal Development Document 2020* (Jakarta: Ministry of Law and Human Rights, 2020).

⁷⁵ Abdullah Yusuf Ali. *Op.Cit.*

⁷⁶ M Kamal M. Amjad Mian, and Samuel L. Hayes, *Journal of Law and Religion* 15, no. 1/2 (2000): 475–79.

⁷⁷ Iqbal, Z., and A. Mirakhor, *An Introduction to Islamic Finance: Theory and Practice* (Hoboken, NJ: John Wiley & Sons, 2011).

matters.⁷⁸ Consumers and businesses should uphold honesty, transparency, and social responsibility in every transaction. 5) Consumer Empowerment: This reconstruction effort should also include empowering consumers with information and knowledge. The Ulul Albab paradigm teaches that individuals should continually seek knowledge to make wise decisions, so consumers need to be educated to understand their rights and obligations comprehensively.⁷⁹ 6) Spiritual Approach: A unique aspect of the Ulul Albab paradigm is spiritual awareness. Consumers are expected to consider not only rational aspects but also spiritual aspects when making legal decisions. This includes the awareness that every action has consequences both in this world and in the hereafter.⁸⁰ 7) Role of Government and Legal Institutions: To achieve this reconstruction, the government and legal institutions must play a proactive role in formulating policies oriented towards consumer protection based on justice, moral, and spiritual values. Clear regulations and effective law enforcement are crucial to creating a healthy legal culture.⁸¹

Reconstructing consumer legal culture in Indonesia based on the Ulul Albab paradigm prioritizes the balance between reason, moral values, and spirituality. It requires a shift in the mindset of consumers and businesses to be more legally and ethically responsible, and involves the government in creating regulations that support a fairer and more humane legal culture. Thus, the Ulul Albab paradigm not only serves as an intellectual approach but also as a spiritual one in the effort to enhance a more sustainable and just legal culture in Indonesia.

The Ulul Albab paradigm can enhance consumer legal culture in Indonesia by integrating rational and ethical consumption practices, such as consumer education initiatives and promoting sustainable product certifications.⁸² It emphasizes enhancing legal awareness through literacy programs and establishing consumer rights helplines while also advocating for fair trade regulations and balanced dispute resolution mechanisms to ensure just

⁷⁸ Khan, M. M., and M. I. Bhatti, "Development in Islamic Banking: A Financial Risk-Allocation Approach," *The Journal of Risk Finance* 9 (2008): 40-51.

⁷⁹ Muhammad Akram Khan, *Theory of Consumer Behavior: An Islamic Perspective*, 2020.

⁸⁰ Mallin, Christine, Hisham Farag, and Kean Ow-Yong, "Corporate Social Responsibility and Financial Performance in Islamic Banks," *Journal of Economic Behavior & Organization* 103, Supplement (2014): S21-S38.

⁸¹ El-Gamal, Mahmoud A, *Islamic Finance: Law, Economics, and Practice* (Cambridge: Cambridge University Press, 2006).

⁸² M. Faheem Khan, "The Framework for Islamic Theory of Consumer Behaviour," *Journal of Islamic Business and Management* 4, no. 1 (June 2014); Louise M. Hassan, Edward Shiu, and Deirdre Shaw, "Who Says There Is an Intention-Behaviour Gap? Assessing the Empirical Evidence of an Intention-Behaviour Gap in Ethical Consumption," *Journal of Business Ethics* 136, no. 2 (2016): 219-36.

treatment for both consumers and producers.⁸³ Additionally, it fosters ethics in transactions through corporate social responsibility initiatives and ethical business awards.⁸⁴ Empowering consumers with knowledge is crucial, achieved via comprehensive education programs and accessible information resources.⁸⁵ The paradigm also integrates spiritual awareness by developing ethical consumption guidelines and forming faith-based consumer groups.⁸⁶ Lastly, it underscores the role of government in establishing regulatory frameworks and policy development⁸⁷ that reflect a balance of material, moral, and spiritual considerations, ultimately creating a more informed and responsible consumer culture.⁸⁸

C. Conclusion

This study identifies three key findings: Firstly, despite 23 years of implementing the Consumer Protection Law (UUPK), Indonesia's consumer legal culture lacks empowerment primarily due to institutional factors: (a) The

⁸³ Kasmawati, Siti Nurhasanah, Aprianti, and Rodhi Agung Saputra. "Legal Protection of Marketplace Consumer Personal Data in Indonesia." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (August 2022): 256-266; Arfi Azhari, "Legal Review of Consumer Law Protection on Personal Data on Digital Platform," *Indonesia Private Law Review* 2, no. 1 (2021): 59-72.

⁸⁴ Valerie Lyons, "Doing Privacy Right or Doing Privacy Rights: Examining the Influence of Privacy Activities in the Nonmarket Environment on Consumer Attitudes and Intentions," Dissertation, Dublin City University Business School, January 2022; Eric M. Runesson and Marie-Laurence Guy, *4 Focus Mediating Corporate Governance Conflicts and Disputes* (Washington: The International Finance Corporation, 2021).

⁸⁵ Archie B. Carroll, Jill Brown, and Ann K. Buchholtz, *Business & Society: Ethics, Sustainability & Stakeholder Management, 10th ed. (USA: Cengage Learning, 2018)*; Olga Eisele, Britta C. Brugman, and Sarah Marschlich, "The Moral Foundations of Responsible Business: Using Computational Text Analysis to Explore the Salience of Morality in CSR Communication," *Public Relations Review* 50, no. 2 (2024): 102453.

⁸⁶ Bodo B. Schlegelmilch, *Marketing Ethics: An International Perspective* (UK: International Thomson Business Press, 1998); Nadeem, W., Juntunen, M., Hajli, N., et al., "The Role of Ethical Perceptions in Consumers' Participation and Value Co-Creation on Sharing Economy Platforms," *Journal of Business Ethics* 169 (2021): 421-441.

⁸⁷ Irwan Sugiarto and Hari Sutra Disemadi, "Consumers' Spiritual Rights in Indonesia: A Legal Study of Sharia Fintech Implementation in the Consumer Protection Perspective," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 3 (2020): 437-52; Iyad Abumoghli, "The Role of Religions, Values, Ethics, and Spiritual Responsibility in Environmental Governance and Achieving the Sustainable Development Agenda," *Religion and Development* 2, no. 3 (2023): 485-495.

⁸⁸ Ridhi Agarwala, Prashant Mishra, and Ramendra Singh, "Religiosity and Consumer Behavior: A Summarizing Review," *Journal of Management, Spirituality & Religion* (2018); Scott J. Vitell and Joseph G. P. Paolillo, "Consumer Ethics: The Role of Religiosity," *Journal of Business Ethics* 46, no. 2 (2003): 151-162.

government should enhance consistency in consumer education efforts, emphasizing methods such as socialization. Furthermore, the shift of responsibility for consumer protection from local district and city governments to provincial authorities has widened the gap between consumers and their protective institutions. (b) Consumer Dispute Settlement Bodies (LPKSM) are predominantly situated in significant cities, prioritizing advocacy rather than empowering consumers to resolve disputes independently. Secondly, the low level of consumer legal culture adversely affects consumer protection in both preventive and punitive measures: (a) Preventively, unethical business practices may persist unchecked if consumers do not take corrective action. (b) Punitive measures face challenges when aggrieved consumers encounter difficulties in obtaining compensation through institutions such as the Consumer Dispute Settlement Body (BPSK) due to insufficient complaints. Thirdly, drawing on the theory of tarbiyah ulul albab, the Ulul Albab paradigm offers a framework to shift Indonesia's existing conventional consumer legal culture towards a reflective and socially conscious post-conventional legal culture. Values central to the Ulul Albab paradigms, including spiritual depth, moral integrity, extensive knowledge, and professional maturity, can be fostered among Indonesian consumers. This cultivation aims to foster a well-informed legal culture marked by critical thinking and a commitment to social responsibility. Ultimately, embracing the Ulul Albab paradigm has the potential to empower Indonesian consumers to assert their rights actively, strengthen consumer protection, and promote equity in the economic realm.

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