

## Marketplace Responsibility for the Distribution of Counterfeit Flavoring Products: A Maqasid al-Shariah Perspective

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### **Keywords:**

Marketplace responsibility;  
marketplace; counterfeit flavoring  
products; maqasid al-shariah.

### **Abstract**

*The rapid development of digital marketplaces has facilitated online transactions while simultaneously increasing the circulation of counterfeit flavoring products that pose economic and public health risks. This study aims to analyze marketplace liability for the distribution of counterfeit flavoring products and to examine it from the perspective of maqasid al-shariah. The research employs a normative–empirical legal design combining statutory analysis of consumer protection, trademark, and electronic commerce regulations with field observation of counterfeit flavoring products sold on Shopee in Indonesia. Data were collected through literature review and direct marketplace observation, including price comparison, product descriptions, labeling practices, packaging conditions, and seller verification mechanisms. The data were analyzed qualitatively through normative interpretation, comparison between legal norms and marketplace practices, and evaluation based on maqasid al-shariah principles. The findings reveal that counterfeit products are openly marketed at significantly lower prices and frequently labeled as “repackaged” goods without proper certification or hygienic standards. Marketplace supervision remains predominantly reactive and complaint-based, allowing widespread circulation of such products. From the perspective of maqasid al-shariah, this practice undermines the protection of life (hifz al-nafs), property (hifz al-mal), and lineage (hifz al-nasl). The study implies that marketplaces must strengthen preventive monitoring systems, enhance seller verification, and implement stricter product control policies to ensure consumer protection and align digital commerce with principles of justice and public welfare.*

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## INTRODUCTION

In the current era of globalization, buying and selling activities are increasingly conducted without face-to-face interaction. People can order or purchase goods through the devices they hold in their hands. With the presence of marketplaces, the public is facilitated in conducting online transactions. Marketplaces have also become circulated and developed within society, such as Shopee, Tokopedia, Blibli, Lazada, TikTok Shop, as well as international marketplaces including Amazon, Alibaba, and others. Despite the many conveniences available today, a serious problem has emerged in the form of the widespread circulation of counterfeit products, including food products such as flavor enhancers. Counterfeit products not only violate the intellectual property rights of brand owners but also pose a risk of financial loss to consumers (Purnama et al., 2023). Furthermore, they not only create economic losses for consumers and brand owners but also pose significant health risks, as there is no guarantee of the safety or quality of the ingredients used in such counterfeit products.

Consumer protection has been regulated through Law Number 8 of 1999 concerning Consumer Protection (UUPK). This law emphasizes that sellers are obliged to provide valid, accurate, clear, and honest information to consumers and to guarantee the quality of the goods

sold. In addition, Law Number 20 of 2016 concerning Trademarks and Geographical Indications provides legal protection to trademark owners against unauthorized use of their marks. Furthermore, Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems (PP PMSE) specifically regulates the obligations of marketplaces, including the verification of seller data and the supervision of traded products. Nevertheless, in practice, the supervision carried out by marketplaces remains very limited, so counterfeit products are still easily found and continue to harm many parties. Consumers have the right to claim their rights as consumers in order to be protected from counterfeiting that frequently occurs in marketplaces (Amaliya et al., 2023). The role of marketplaces in online buying and selling is indeed not as direct sellers but as platform providers. However, platform providers should have a role in taking action and processing all complaints as well as monitoring content created by their users, especially sellers who market their goods (Giantama & Kholil, 2020).

From the perspective of Islamic economic law, this issue cannot be regarded as a trivial matter. Counterfeit products inherently contain elements that are prohibited in Islam, namely *gharar* (uncertainty), *tadlis* (fraud or deception), and actions that cause harm to others, all of which are clearly forbidden in Islamic teachings (Santoso & Tarigan, 2022). Al-Shatibi formulated that the ultimate objective of Islamic law is to realize human welfare (*maslahah*). He emphasized the protection of five essential elements: religion, life, intellect, lineage, and property. Within the framework of *maqashid al-sharia*, the circulation of counterfeit products contradicts the principles of protecting wealth (*hifz al-mal*), protecting life (*hifz al-nafs*), and protecting lineage (*hifz al-nasl*). The distribution of counterfeit flavor enhancer products clearly violates the prohibition against causing harm to life, property, and lineage. The prohibition against harming life is stated in Qur'an, Surah An-Nisa verse 29, and is further reinforced by a *hasan* hadith narrated by Ibn Majah, Ad-Daruquthni, and others with a continuous chain of transmission. From Abu Sa'id Sa'ad bin Malik bin Sinan Al-Khudri (may Allah be pleased with him), the Prophet Muhammad (peace be upon him) stated: "There should be neither harm nor reciprocating harm." The prohibition against unlawfully harming or consuming another's property is mentioned in Al-Baqarah verse 188, while the prohibition related to actions that cause damage to lineage is found in Al-Baqarah verse 205.

Regulations concerning consumer protection have been explicitly stipulated in Article 4 letters (a) and (c) of Law Number 8 of 1999 concerning Consumer Protection (UUPK), which emphasize that all consumers have the right to comfort, security, and safety in consuming goods and/or services, as well as the right to obtain accurate, clear, and honest information regarding the condition of goods and the ingredients contained in a product. In addition, Law Number 33 of 2014 concerning Halal Product Assurance (JPH Law), particularly Article 4, stipulates that products entering, circulating, and being traded within the territory of Indonesia must be halal-certified. This provision aims to provide legal certainty regarding the halal status of products consumed by the public, especially Muslim consumers (Pangaribuan & Permata, 2025). In this case, business actors who sell counterfeit products of well-known flavor enhancer brands clearly violate elements prohibited in Islamic commercial transactions. Claiming that a product is authentic while the delivered product significantly differs from the original contains elements of *gharar* (uncertainty) and *tadlis* (deception). Such conduct poses serious risks to consumers, as counterfeit flavor enhancers are intended for consumption by families, for resale in food businesses, or for personal use. These products may cause illness or other health problems, considering that counterfeit flavor enhancers are fundamentally unsafe and lack proper certification.

Flavor enhancers that have been verified for halal status and evaluated for their chemical composition are considered safe when consumed within reasonable limits (Cleveland Clinic, 2025). Scientific reviews indicate that flavor enhancers, particularly monosodium glutamate (MSG), have been extensively assessed in toxicological and epidemiological studies, and no consistent evidence has been found showing that normal consumption in the general population causes organ damage or neurological disorders (Beyreuther et al., 2007). MSG is one of the most thoroughly studied food ingredients and has been demonstrated to be safe when consumed in moderate amounts. The Joint FAO/WHO Expert Committee on Food Additives (JECFA) of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) has classified it in the safest category for food additives. Similarly, the United States Food and Drug Administration (FDA) has concluded that flavor enhancers are safe when consumed within reasonable limits (Bera et al., 2017). In contrast, counterfeit flavor enhancer products pose significant health risks because they are produced without complying with established food safety standards and may contain hazardous chemicals. According to Dr. Nguyen Thu Ha from Nam Saigon International General Hospital, the long-term use of counterfeit food additives may result in serious health consequences. Such counterfeit products are often manufactured from materials of unknown origin, including industrial additives, artificial colorants, synthetic flavorings, and even heavy metals. These substances may cause symptoms such as nausea, abdominal pain, diarrhea, and dizziness. In more severe cases, excessive consumption may lead to seizures, coma, or poisoning. The dangers of counterfeit flavor enhancers are not immediately apparent but may accumulate gradually, causing progressive damage to the liver, heart, and digestive system over time (Vietnam.vn, 2025). Research on food adulteration further demonstrates that adulterated food products that fail to meet production standards may contain harmful contaminants. Long-term consumption of such products can place a burden on the body's detoxification organs, such as the liver and kidneys, thereby increasing the risk of organ damage, metabolic disorders, and long-term toxic effects on the human body (Karen et al., 2013).

In preliminary research conducted on Shopee, numerous stores were found claiming that their products originated from well-known flavor enhancer brands. These sellers asserted that they were reselling the products in repackaged retail quantities, commonly offering them in 500-gram and 1-kilogram packages. The prices offered were significantly lower than those listed by the official distribution channels of the respective brands. However, in practice, when the products reached consumers, they were often delivered without secure and reliable packaging. The items were unlabeled and did not include adequate information regarding the ingredients contained in the product. Consumers can easily obtain goods at relatively low prices from various product variations displayed in the descriptions. Nevertheless, alongside this convenience, serious issues arise concerning the authenticity of low-priced goods sold by unofficial stores (Nanda, 2023).

These products should not be eligible for sale because they lack official authorization and do not provide clear information regarding their contents. The packaging used is also highly unhygienic, which may facilitate the growth of bacteria and other harmful microorganisms. Such counterfeit products pose serious risks to consumers, who are often attracted by their low prices. Unclear ingredients, the absence of official permits, and unverified production processes render these products unsafe and unfit for circulation. Therefore, their distribution should be prevented and subject to strict enforcement measures. In addition, the sale of counterfeit products under the branding of well-known flavor enhancer brands may damage the reputation and public image of the original brand owners. As intermediaries between sellers and buyers, marketplaces play a

significant role in this context. Consequently, the manner in which marketplaces handle the circulation of counterfeit products requires further examination and analysis, as their responsibility in monitoring and controlling the distribution of such products is of critical importance.

Therefore, a study entitled “Marketplace Responsibility for the Distribution of Counterfeit Flavor Enhancer Products from the Perspective of Maqashid Sharia” is important to be conducted. Although marketplaces are not directly involved in the buying and selling transactions, they are indirectly connected to the distribution of counterfeit flavor enhancer products by providing the platform through which such products are traded. The formulation of the research problem seeks to further examine how marketplaces should be held accountable for the circulation of counterfeit flavor enhancer products in society and how maqashid al-sharia views this issue. Accordingly, this research is expected to contribute not only to academic discourse but also to practical efforts in protecting consumers, upholding justice, and ensuring the sustainability of fair and ethical trade in accordance with sharia principles.

The previous studies related to this research include the work conducted by Andreyan Nata Giantama and Munawar Kholil in their journal article entitled “Legal Responsibility of Platform Providers for Trademark-Infringing Goods in Marketplaces,” published in *Jurnal Privat Law* in 2020. The difference between their research and the present study lies in the perspective applied. Their study analyzes marketplace liability from the perspective of positive law, whereas this research applies the perspective of maqashid al-sharia. Moreover, their research covers various types of products, including skincare, food, and other goods, while the present study specifically focuses on flavor enhancer products.

Another relevant previous study is the research conducted by Wella Mareta Nanda entitled “Responsibility of Platform Providers for the Circulation of Imitation Products in Marketplaces,” published in 2022. The difference between her research and this study also lies in the analytical framework used. Her study examines the responsibility of platform providers from the perspective of positive law, whereas this research employs the perspective of maqashid al-sharia. In addition, her research focuses on imitation products of well-known brands that attract consumers due to lower prices compared to original products. Although both studies similarly discuss consumers who are attracted to lower-priced goods, the present research specifically emphasizes counterfeit flavor enhancer products.

## **METHODS**

The research method used in this journal is normative–empirical legal research. This approach examines the implementation of positive legal provisions and written documents in every legal event that occurs in society. The purpose of using this method is to assess the conformity between the application of law in concrete legal events (*in concreto*) and the applicable statutory regulations, as well as to examine whether these provisions have been properly implemented (Hukum Online, 2023). Normative legal research refers to laws and regulations, legal principles, legal norms, agreements, and doctrines that develop in society (Zainuddin, 2022). Empirical legal research emphasizes the legal behavior of society and how the law operates in real life (Soekanto, 2014). The combination of these two approaches is carried out to obtain a more comprehensive analysis regarding the relationship between legal norms and their implementation in legal events.

The primary data source was obtained through observation of the distribution of counterfeit flavor enhancer products on one marketplace, including the buying and selling practices of such products and the handling carried out by the marketplace regarding the circulation of these counterfeit products. Meanwhile, secondary data were obtained through a literature review covering classical and contemporary *ushul fiqh* literature that connects these findings to maqashid al-sharia, government regulations, and marketplace policies concerning the distribution of

counterfeit flavor enhancer products. All data obtained were then analyzed qualitatively through normative interpretation, empirical analysis of field observation results, comparison between norms and practices, and evaluation based on the principles of *maqashid al-sharia* in order to assess the level of public benefit and the conformity of legal implementation within social reality.

## RESULTS AND DISCUSSION

### A. Marketplace as a Platform for the Distribution of Counterfeit Products

Marketplace functions as a digital trade ecosystem that facilitates online buying and selling activities. The presence of marketplaces provides convenience for sellers and buyers to conduct transactions of goods and services directly and efficiently. However, the ease of access within the online shopping system also creates opportunities for irresponsible parties to exploit it. If the products being traded contain hazardous substances, this may potentially cause serious impacts and even endanger consumer health.

In online market practices, copyright infringement frequently occurs through various forms of unlawful acts, with the sale of pirated goods by traders being one of the most prominent violations. This phenomenon poses significant challenges for copyright holders, as the increasing scale of piracy not only causes financial losses but also undermines the value of creativity and the originality of works (Hikmah et al., 2023). Furthermore, there are deliberate practices involving the trade of illegal goods, such as the distribution of counterfeit flavor enhancer products or other food products. Such practices not only pose serious threats to consumer health but also result in economic losses for original producers. These actions violate both the moral rights and economic rights of product owners, which are legally protected under the copyright regime, and they damage the overall integrity of the trading system (Djamaludin & Fuad, 2024). In this context, economic rights refer to the exclusive rights of creators or copyright holders to obtain financial benefits from the utilization of their works. The trade of pirated goods disregards these rights and exploits works without authorization, thereby creating economic imbalance within the related industry.

Normatively, counterfeit products are categorized as goods that imitate or replicate registered trademarks, falsify information, and use packaging that resembles original products. Statutory regulations provide legal protection for trademark owners because the circulation of counterfeit products has the potential to endanger consumers. In addition, counterfeit products generally lack clear certification, including halal certification, as they are often marketed under the name of well-known brands but are produced unofficially. Legal protection of trademarks is regulated under Law Number 20 of 2016 concerning Trademarks and Geographical Indications. Nevertheless, in practice, numerous violations of these provisions are still found, particularly in trade conducted through marketplaces, where various types of counterfeit goods, ranging from clothing and food to books, continue to circulate widely (Arkan & Rahaditya, 2023).

Moreover, based on the list published by the Office of the United States Trade Representative (USTR), several major marketplace platforms operating in Indonesia are included in the Notorious Markets List, which identifies markets involved in or facilitating the circulation of goods that infringe intellectual property rights. The list mentions three well-known marketplace platforms in Indonesia, namely Shopee, Tokopedia, and Lazada (Novianto et al., 2021). Under Law Number 8 of 1999 concerning Consumer Protection (UUPK), consumers are granted certain rights as stipulated in Article 4, including the right to comfort, security, and safety in consuming goods and/or services. The evolving relationship between consumers and business actors requires clear regulations regarding the responsibilities, rights, and obligations of all parties involved. However, in practice, business actors do not always properly comply with the responsibilities, rights, and obligations stipulated in the UUPK. This condition indicates the need for stronger supervision and law enforcement to ensure that consumers are adequately protected and that products circulating in the market are safe and comply with applicable standards. Normatively, Article 4 of Law Number 8 of 1999 affirms that consumers have the right to

comfort, security, and safety in consuming goods and/or services. The increasingly complex dynamics between consumers and business actors demand clear legal arrangements concerning the respective responsibilities, rights, and obligations of each party.

However, in practice, it is still found that business actors have not fully implemented their responsibilities, rights, and obligations as regulated under the Consumer Protection Law (UUPK). This condition indicates the need to strengthen supervisory mechanisms and ensure more effective law enforcement in order to guarantee optimal consumer protection, as well as to ensure that products circulating in the market meet applicable safety and quality standards. Marketplace functions as a digital trade ecosystem that facilitates online buying and selling activities. The presence of marketplaces provides convenience for sellers and buyers to conduct transactions of goods and services directly and efficiently. Nevertheless, the ease of access within the online shopping system also creates opportunities for irresponsible parties to exploit it. If the products being traded contain hazardous substances, this may potentially cause serious impacts and even endanger consumer health.

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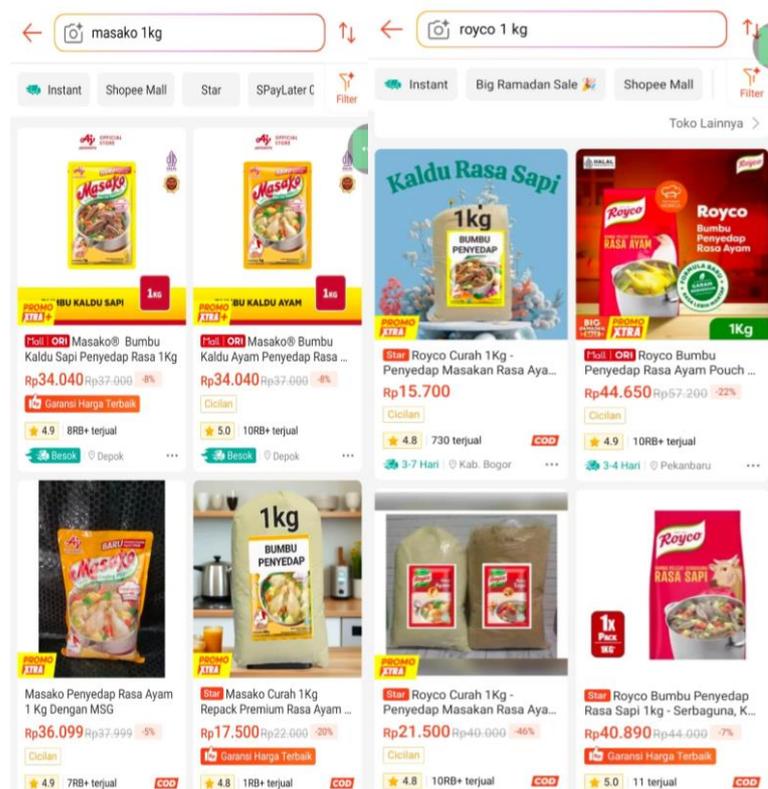


Figure 1. Display of bulk seasoning product on the Shopee platform

Based on observations conducted on the Shopee platform using the keywords “Royco 1 kg” and “Masako 1 kg,” two distinct categories of products were identified: officially distributed products sold through verified Shopee Mall stores and bulk or repackaged products offered by non-official sellers. Official 1 kilogram products were priced between approximately IDR 34,040 and IDR 44,650, while bulk or repackaged products of the same weight were offered at significantly lower prices ranging from IDR 15,700 to IDR 21,500. This substantial price disparity amounting to nearly half of the official price suggests a strong economic incentive for consumers to select the lower-priced alternatives.

Notably, several bulk or repackaged products were sold by stores bearing the “Star Seller” label, which indicates a certain level of sales performance and customer ratings within the platform system. Despite this designation, the product listings generally did not provide adequate information regarding distribution permit numbers, ingredient composition, expiration dates, or clear manufacturer identity. Sellers openly used terms such as “bulk,” “curah,” or “repack” in their product titles and descriptions. Moreover, some of these products recorded hundreds to thousands of sales, indicating considerable market demand.

To strengthen the observational findings, the researcher purchased one repackaged seasoning product from one of the observed stores. The product received was packaged in plain plastic without the official labeling typically found on factory-produced goods. The packaging did not contain information regarding ingredient composition, distribution permit number, expiration date, or manufacturer identity. The simple packaging condition, which does not meet standard food labeling requirements, indicates potential non-compliance with consumer protection and food regulation provisions. Nevertheless, the product was marketed and delivered to consumers without any visible preventive verification mechanism from the marketplace.



Figure 2. Repackaged product received by the researcher

The researcher subsequently compared the repackaged product purchased from the marketplace with an officially distributed product obtained from a supermarket. The comparison was conducted visually based on color, texture, and aroma. The official product exhibited a finer texture, more uniform and brighter color, and a more stable, non-pungent aroma. In contrast, the repackaged product showed a coarser texture, duller color, and a sharper and less consistent aroma. These physical differences indicate potential disparities in quality standards and production processes between officially distributed products and repackaged products. This condition strengthens the indication that the circulation of repackaged seasoning products may pose risks concerning product quality and consumer safety.

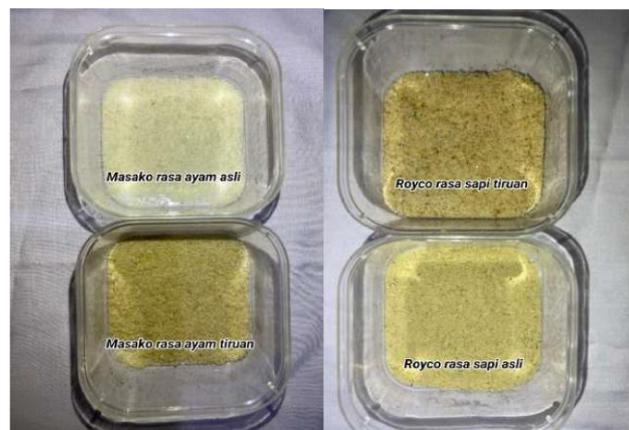


Figure 3. Comparison between repackaged and official products

## B. The Role of Marketplaces in the Distribution of Counterfeit Products

There are four fundamental consumer rights articulated by John F. Kennedy, later cited by Zulham in his book, namely:

1. The Right to Safety

This right implies that consumers are entitled to protection against goods and services that may endanger their health or safety. Products circulating in the market must meet safety standards to prevent harm to consumers.

2. The Right to Choose

Consumers have the right to freely choose whether to purchase a particular product or service. In the principles of Islamic economic law, freedom of contract is also recognized, allowing parties to determine the object of transaction as long as it remains consistent with sharia principles and norms (Soemitra, 2023).

3. The Right to Be Informed

Consumers are entitled to receive accurate, honest, and complete information regarding products or services. All product descriptions, labels, and relevant details must be presented transparently without exaggeration or concealment.

4. The Right to Be Heard

Consumers have the right to express complaints, criticisms, and suggestions concerning products or services they have purchased. Business actors are obligated to provide proper responses and mechanisms for addressing consumer grievances.

Consumers or active users of Shopee are entitled to these rights. If consumers have fulfilled their obligations and responsibilities, then the marketplace must also fulfill consumer rights. Consumer rights have been regulated by law; however, in practice, their implementation remains less than optimal. This situation may impact economic aspects and undermine the principles of justice and consumer protection. As a representative or transaction facilitator, the marketplace has moral and sharia responsibilities to maintain the validity and security of transactions. This role requires the marketplace to carry out:

1. Seller verification.
2. Product content monitoring.
3. Provision of transparent information.
4. Fraud prevention.

The existence of well-established marketplaces with strong reputations often creates the assumption that all products offered on the platform have undergone proper selection and supervision processes. This condition is frequently exploited by irresponsible parties who sell counterfeit products by listing them on reputable marketplaces in order to obtain artificial legitimacy (Badan Perlindungan Konsumen Nasional, 2020). Features such as reviews, ratings, and certain labels on marketplaces may create the impression of product quality and authenticity, even though the products are in fact counterfeit. Consequently, marketplaces function not only as distribution channels but also as instruments of legitimacy that accelerate the circulation of counterfeit goods to consumers who lack the ability to distinguish between genuine and fake products. The distribution of counterfeit products through marketplaces also creates unfair business competition, as counterfeit goods are typically sold at prices significantly lower than authentic products. This situation causes losses to honest business actors who comply with legal provisions and business ethics. If marketplaces fail to take firm measures to close this gap, the platform may be perceived as contributing to economic injustice (Yusuf, 2018). Furthermore, marketplace algorithms that prioritize low prices, high sales volume, and positive reviews may indirectly strengthen the circulation of counterfeit products. Since counterfeit goods are often sold at cheaper prices, they become more competitive and are more likely to appear at the top of search results, despite the fact that their quality and authenticity cannot be guaranteed.

### **C. Marketplace Liability as a Platform for the Distribution of Counterfeit Products**

As an Electronic System Operator, platform providers are obligated to ensure that the

electronic systems they manage are operated in a reliable, secure, and properly functioning manner. The provisions set forth in the Circular Letter of the Minister of Communication and Informatics Number 5 of 2016 concerning the Limitation of Liability of Platform Providers and Merchants in Electronic Commerce Based on User Generated Content emphasize restrictions on certain types of prohibited content to be distributed or traded through the platform. One such prohibition concerns goods and/or services that involve elements of intellectual property rights infringement. These violations include, among others, the circulation of counterfeit products that infringe trademark rights (Nanda, 2023).

The circular letter also obligates marketplace platform providers to establish a complaint mechanism as a means for users to report improper or prohibited content being traded on the platform. Upon receiving such reports, the platform provider is required to follow up through appropriate and relevant measures. Furthermore, platform providers are not permitted to ignore violations if they become aware of the dissemination of information that contravenes applicable laws and regulations. This obligation reflects the principle that electronic system operators must exercise due diligence in preventing unlawful activities within their platforms.

Accordingly, platform providers bear legal consequences to follow up on every consumer complaint. Such measures include verifying the reported claim, blocking the relevant content, notifying the seller that the content in question constitutes a violation, and exercising the authority to reject complaints that are proven to be unfounded or lacking legal basis. Moreover, the provisions of Law Number 20 of 2016, particularly Articles 100–102, may be interpreted to indicate that marketplace providers can be held civilly liable if it is proven that they were aware of and allowed unlawful trading practices to persist, including the distribution of counterfeit products. Government Regulation Number 8 of 2019 concerning Electronic Commerce further stipulates that sellers operating on marketplace platforms are required to clearly disclose their identity and to provide accurate, honest, and good-faith information regarding product specifications. This provision is intended to ensure that prospective buyers obtain an accurate understanding of the condition and quality of the goods offered.

In principle, marketplace platform providers are not directly responsible for the legal relationship arising from sales transactions between sellers and buyers, considering that the parties bound by the agreement are those who engage in the transaction. However, platform providers remain responsible for the administration and operation of the electronic system they manage to ensure that it functions securely and reliably. Although marketplace providers frequently rely on the safe harbour principle as a form of legal protection, such protection is not absolute. If a platform provider is aware of violations, such as the circulation of counterfeit products, yet fails to take appropriate measures, the protection afforded under this principle may no longer apply.

The circulation of counterfeit flavor-enhancing products within the electronic commerce system gives rise to legal implications that affect not only business actors as sellers, but also marketplace providers as electronic transaction system operators. From the perspective of Indonesian positive law, responsibility for consumer protection is regulated under Law Number 8 of 1999 concerning Consumer Protection, which stipulates that every business actor involved in the distribution of goods and services is obligated to guarantee the safety, quality, and accuracy of product information provided to consumers. A marketplace does not merely function as a technology platform provider, but also as a party that facilitates commercial transactions. Therefore, a marketplace may be held liable if there is negligence in supervising the electronic

trading system that results in the circulation of counterfeit products and causes harm to consumers. Pursuant to Law Number 8 of 1999 concerning Consumer Protection, marketplace liability may arise under the following circumstances:

a. Negligence in System Supervision

Marketplace providers are required to ensure that the trading system operates securely and does not cause harm to consumers. Failure to verify sellers, to respond to consumer complaints, or to prevent hazardous products from remaining available for sale may be classified as negligence.

b. Tolerance of Misleading Information

Marketplace providers are obligated to ensure that product information displayed on the platform is not misleading. If counterfeit products are marketed under false identities or inaccurate quality claims and the marketplace fails to exercise adequate supervision, the platform may be held legally liable.

c. Failure to Undertake Preventive Measures or Product Removal

If a marketplace becomes aware of illegal or harmful products but does not remove (take down) the content or block the seller, it may be considered to have contributed to consumer losses.

d. Liability as Part of the Digital Distribution Chain

In electronic transactions, marketplace providers exercise systemic control over sellers, transaction processes, and the dissemination of product information. Therefore, their responsibility is not merely passive but also preventive in nature.

Marketplace liability may be administrative in nature (relating to system supervision), civil (in the form of compensation), and may even extend to criminal implications if it is proven that the platform assisted or knowingly allowed the circulation of hazardous goods. Consumers are entitled to claim compensation for losses resulting from the distribution of counterfeit flavor-enhancing products if it can be demonstrated that the marketplace facilitated or knowingly permitted such circulation. This right is guaranteed under Law Number 8 of 1999 concerning Consumer Protection, which affirms that business actors are obligated to provide compensation for losses arising from goods that are inconsistent with their description, defective, or hazardous. The forms of compensation that may be claimed include refunds, replacement with proper and eligible goods, reimbursement of medical expenses (where health impacts occur), financial compensation or other forms of indemnification, as well as material and immaterial damages.

In this case, the marketplace may be considered insufficiently firm and proactive in eradicating the widespread circulation of counterfeit flavor-enhancing products within the community. The complaint mechanism provided by the marketplace remains largely reactive, as it depends on prior reports submitted by consumers or competent authorities. This process is often regarded as inefficient, given that affected consumers do not always file complaints and may instead choose to disregard the issue. Moreover, sellers distributing counterfeit flavor-enhancing products may exploit weaknesses within the marketplace system. For instance, a seller may delete the product listing after achieving a significant number of sales, thereby hindering traceability and complicating efforts by authorities to monitor and investigate the violation. Such practices demonstrate the limitations of a purely reactive enforcement model and highlight the need for more proactive monitoring and preventive measures by marketplace providers.

Marketplace providers are therefore expected to intensify supervision over products listed on their platforms in order to promptly halt the circulation of counterfeit flavor-enhancing products. Consumers are likewise encouraged to assist marketplace providers by promptly reporting counterfeit products and refraining from purchasing goods through unofficial distribution channels solely because they are offered at lower prices. In relation to the sale of counterfeit goods, which constitutes an unlawful act, Article 22 paragraph (1) of Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems affirms that where illegal content is identified, the Electronic Commerce Operator bears responsibility for any

impacts and legal consequences arising from the existence of such illegal content (Arteja & Christine, 2020).

These measures and policies must be implemented optimally to ensure that all marketplace users, both sellers and buyers, refrain from engaging in conduct that contravenes applicable legal provisions. This is based on the fact that, during the account registration process on a marketplace platform, users are generally required to agree to the terms and conditions prior to accessing and utilizing the application's services. Accordingly, an essential aspect that marketplace providers must further strengthen is the enhancement of user compliance with internal platform policies as well as with prevailing laws and regulations. Strengthening compliance mechanisms is crucial to ensure that contractual commitments undertaken through the acceptance of terms and conditions are not merely formal, but are effectively enforced in practice.

The Shopee application provides a facility for reporting counterfeit products circulating within the marketplace. As a provider of online buying and selling services, Shopee has carried out its responsibilities in addressing violations by establishing reporting mechanisms, removing and blocking prohibited content, protecting consumers' personal data, selecting and verifying sellers, handling non-conforming sales, and providing guarantees for every purchase (Anasta & Sativa, 2024). To assist the marketplace in handling the dissemination of counterfeit products by reporting users on Shopee who are identified as distributing such products, consumers may access the main page of the product or the seller's store. Subsequently, they may click the additional menu icon (three dots) and select "Report Product" or "Report User." If "Report User" is selected, the option "Counterfeit Product" should be chosen. Shopee will then request a description of the report. Complainants are required to include a screenshot of the product displaying the price and a brief product description. They should also provide the seller's account name or username, as well as the link to the purchased product. Additional evidence may be submitted, including a comparison between the authentic product and the counterfeit product. Compensation may also be requested through the marketplace platform by reporting the business actor and submitting a refund request. Consumers may further report counterfeit products they encounter to the trademark rights holder. In cases involving counterfeit seasoning products under the brand Royco, reports may be submitted through the official contact page at <https://www.royco.co.id/secure/hubungi-kamiRoyco.html>, after which customer service will respond via email for further examination. For counterfeit seasoning products under the brand Masako, reports may be submitted through [www.ajinomoto.co.id/id/kontak-kami](http://www.ajinomoto.co.id/id/kontak-kami), and customer service will follow up by telephone or email for further examination.

#### **D. Analysis of the Distribution of Counterfeit Seasoning Products from the Perspective of Maqasid al-Shariah**

Counterfeit seasoning products pose significant risks because they may contain hazardous industrial substances. The use of unauthorized ingredients and the absence of official permits further render these products unsafe for consumption. Irresponsible business actors who engage in such practices commit injustice (*ẓulm*) against both trademark owners and consumers who suffer losses as a result. In the context of *mu'āmalah*, Islam prohibits the unlawful appropriation of another person's property, as affirmed in Q.S. Al-Mā'idah verse 8 (Hidayat, 2022). If a marketplace becomes aware of the distribution of counterfeit products and nevertheless allows such practices to continue, it violates its ethical and normative obligations as an intermediary in commercial transactions. From a Sharia perspective, a marketplace is required to uphold the principles of *al-amānah* (trustworthiness), *iḥtiyāṭ* (prudence), and *al-ḍarar yuzāl* (harm must be eliminated) (Mustofa, 2021).

##### **1. Hifz al-Nafs (Protection of Life)**

Counterfeit seasoning products potentially contain hazardous substances that threaten

consumers' health. Such products may give rise to health risks, accidents, or even death, as they are directly consumed and enter the human body. Therefore, their distribution cannot be regarded merely as a trivial economic issue. Q.S. An-Nisa verse 29 emphasizes that Allah prohibits actions that cause harm to oneself and to others. Furthermore, in a ḥasan hadith narrated by Ibn Mājah, Ad-Dāruqūṭnī, and others with a connected chain of transmission, from Abu Sa'īd Sa'd bin Malik bin Sinan Al-Khudri (may Allah be pleased with him), the Prophet Muhammad (peace be upon him) stated: "There should be neither harming nor reciprocating harm." Within the framework of Maqāsid al-Shariah, the protection of life (hifz al-nafs) is regarded as a highly fundamental objective. Consequently, any activity that endangers human life must be prevented.

## 2. Hifz al-Māl (Protection of Property)

Consumers suffer material losses when they purchase counterfeit products that are presented as genuine. When the goods received are in fact counterfeit, this constitutes an unlawful appropriation of property (akl al-māl bi al-bāṭil), which contradicts the objective of Sharia in safeguarding property rights and ensuring economic justice (Auda, 2021). Such practices fall within the categories of gharar (uncertainty) and tādīs (fraudulent misrepresentation), both of which are prohibited because they result in unilateral harm. The circulation of counterfeit products violates the principle of hifz al-māl, as consumers do not obtain goods that correspond to the value and quality promised. Q.S. Al-Baqarah verse 205 further emphasizes the prohibition against unlawfully consuming or taking the property of others. In the distribution of counterfeit seasoning products, sellers deliberately deceive consumers by claiming that the products offered are authentic, while in reality they are counterfeit goods sold individually under false representations.

## 3. Hifz al-Nasl (Protection of Lineage)

In Q.S. Al-Baqarah verse 205, Ibn Kathir interprets the destruction of crops and progeny as a symbol of the loss of life's sustainability. Islam clearly prohibits actions that endanger future generations. The distribution of counterfeit seasoning products, if consumed by a pregnant woman, may endanger both her health and that of the fetus. Therefore, such practices are contrary to the objective of hifz al-nasl, which seeks to preserve the continuity and well-being of future generations.

## **E. Marketplace Liability for the Distribution of Counterfeit Flavoring Products from the Perspective of Maqāsid al-Sharī'ah**

Marketplace liability should not be understood solely as a formal administrative or juridical obligation, but also as a moral and ethical responsibility to safeguard public welfare. As a provider of digital transaction facilities, a marketplace functions as an intermediary (wāsīṭ) that facilitates legal relationships between sellers and buyers. Although it does not act as a direct seller, its role in organizing, regulating, and benefiting from transactions within its system generates implications of responsibility for the consequences arising from those transactions.

The concept of liability may be examined through the framework of Maqāsid al-Sharī'ah, which aims to preserve five essential elements of human existence: the protection of religion (ḥifz al-dīn), life (ḥifz al-nafs), intellect (ḥifz al-'aql), lineage (ḥifz al-nasl), and property (ḥifz al-māl). In the case of counterfeit flavoring products distributed through marketplaces, at least three of these objectives are directly threatened, namely the protection of life, property, and lineage. Counterfeit food products may endanger consumers' health, cause financial loss, and potentially affect vulnerable groups, including pregnant women and children.

From the perspective of Islamic legal maxims, marketplace liability may be grounded in the principle of al-ghunm bi al-ghurm (gain is accompanied by liability). This maxim establishes that any party deriving benefit from an activity must also bear the risk associated with that benefit. Marketplaces obtain economic advantages from every transaction conducted on their platforms, including transactions involving counterfeit goods. Consequently, a marketplace that receives

financial gain (*ghunm*) must also assume corresponding liability (*ghurm*) for negative consequences resulting from transactions it facilitates. The argument that a marketplace merely serves as an intermediary does not eliminate its responsibility, particularly when it benefits directly from the commercial activities occurring within its system.

Within the framework of *Maqāṣid al-Sharī'ah*, marketplace responsibility extends beyond passive facilitation. It includes the obligation to verify seller identities, supervise product listings, implement detection mechanisms for illegal or counterfeit goods, and provide transparent and accurate information to consumers. If a marketplace acts only after harm has occurred, without establishing preventive mechanisms, such conduct may be inconsistent with the objectives of *maqāṣid*. The principle of *sadd al-dharā'ī*' (blocking the means to harm) emphasizes preventive measures to avert potential harm before it materializes. Therefore, systemic negligence in allowing counterfeit products to circulate may be regarded as a failure to protect public welfare. Moreover, when a marketplace has knowledge of counterfeit distribution yet permits it to continue, it may bear legal and moral accountability for the resulting losses.

A marketplace cannot be considered entirely neutral. As a facilitator that derives economic benefit from digital commerce, it bears a Sharia-based obligation to prevent fraud, protect consumers, and eliminate harm. Practical measures such as product monitoring, strict seller verification, removal of counterfeit listings, suspension of violators' accounts, consumer compensation mechanisms, and reporting to competent authorities represent concrete implementations of the objectives of Islamic law in safeguarding life, property, and lineage. The greater the platform's control over the flow of goods and the larger the economic benefit it derives, the greater the moral and Sharia-based responsibility attached to it.

In addition, Islamic law does not only prohibit direct perpetrators of injustice but also those who indirectly facilitate unjust transactions. Negligence in supervision may give rise to obligations of protection and compensation for losses incurred (Fauzia & Riyadi, 2020). From the perspective of Islamic business ethics, marketplaces must operate based on honesty (*ṣidq*), trustworthiness (*amānah*), transparency, and the principle of avoiding harm (*lā ḍarar wa lā ḍirār*). Failure to prevent the circulation of counterfeit products constitutes a violation of the principle of *amānah* in commercial transactions (*mu'āmalāt*).

In conclusion, from the perspective of *Maqāṣid al-Sharī'ah*, marketplace accountability encompasses both legal and ethical dimensions. Marketplaces are obligated to ensure that products distributed through their platforms do not generate *mafsadah* (harm) and that consumer rights are effectively protected. Strengthening verification systems, enforcing strict sanctions against fraudulent sellers, ensuring transparency, and providing effective consumer protection mechanisms represent concrete manifestations of *maqāṣid* values in the context of digital commerce. Through such measures, marketplace operations may remain aligned with the principles of justice and public welfare in Islamic economic law.

## CONCLUSION

The circulation of counterfeit seasoning products in digital marketplaces highlights weak preventive oversight and suboptimal consumer protection. Marketplaces, beyond serving as transaction platforms, functionally influence the distribution of unsafe and unverified products. From a legal perspective, marketplaces are obliged to verify sellers, supervise products, and protect consumers. From the *Maqashid Shariah* perspective, these responsibilities also encompass the protection of life (*hifz al-nafs*), wealth (*hifz al-mal*), and progeny (*hifz al-nasl*) by preventing health risks, economic losses, and long-term impacts. Counterfeit products may contain harmful chemicals or contaminants, posing a significant public health threat. Therefore, marketplaces bear both preventive and corrective responsibilities, including seller verification, product monitoring, removal of unsafe products, and compensation for affected consumers.

This study is limited to the circulation of counterfeit seasoning products on selected digital marketplaces, and its findings may not be generalized to all e-commerce platforms or other product categories. Future research is recommended to analyze a broader range of e-commerce platforms, evaluate the effectiveness of regulatory interventions, and develop Shariah-compliant digital trade standards. Such measures are expected to strengthen preventive and corrective oversight, protect consumers, and ensure that digital trade aligns with principles of safety, fairness, and public welfare.

## REFERENCE

- Ali, Z. (2022). *Metode Penelitian Hukum*. Sinar Grafika
- Al-Shatibi, I. Ibn M. (2003). *Al-Muwafaqat fi Ushul al-Shari'ah*. Dar al-Kutub al-'Ilmiyyah
- Anasta, Q., & Sativa, A. (2024). Pertanggungjawaban Marketplace Shopee Terhadap Peredaran Obat Pelangsing Tanpa Izin Edar Perspektif Fatwa DSN-MUI Nomor 146 Tahun 2021 Tentang Online Shop Berdasarkan Prinsip Syariah. *Jurnal Ilmu Hukum Humaniora dan Politik*, 4 (3). <https://doi.org/10.38035/jihhp.v4i3.1912>
- Amaliya, L., Dewi, S., Arafat, Z., Asyhadi, F., & Rosidawati, I. (2025). Marketplace Responsibilities and Sanctions in Cases of Consumer Losses (Futuristic Legal Perspective). *Jurnal Hukum dan Keadilan*, 2(3). <https://doi.org/10.61942/jhk.v2i3.318>
- Arkan, M., & Rahaditya, R. (2023). Pertanggungjawaban Hukum Penyedia Platform Terhadap Fenomena Pelanggaran Merek Di Marketplace. *Syntax Literate: Jurnal Ilmiah Indonesia*, 8 (1). <https://doi.org/10.36418/syntax-literate.v8i1.11258>
- Arteja, H., & Kansil, C.S.T. (2020). Analisis Pengawasan Penyelenggara Perdagangan Melalui Sistem Elektronik (PPMSE) Dalam Mengawasi Fenomena Barang Palsu Di Platform Marketplace (Studi Perbandingan Di Indonesia dan Amerika Serikat). *Jurnal Hukum Adigama*, 3 (2). <https://doi.org/10.294912/adigama.v3i2.10591>
- Auda, J. (2021). *Re-Envisioning Islamic Scholarship: Maqashid Methodology as a New Approach*. The International Institute of Islamic
- Badan Perlindungan Konsumen Nasional. (2020). *Perlindungan Konsumen dalam Transaksi Elektronik*. BPKN
- Bera, T.K., Kar, S.K., Yadav, P.K., Mukherjee, P., Yadav, S., & Joshi, B. (2017). Effects of Monosodium Glutamate on Human Health: A Systematic Review. *World Journal of Pharmaceutical Sciences*, 5(5):139-144. <https://wjpsonline.com/index.php/wjps/article/view/effectsmonosodium-glutamate-human-health-review>
- Beyreuther, K., Biesalski, H.K., & Fernstrom, J. (2007). Consensus Meeting: Monosodium Glutamate – An Update. *European Journal of Clinical Nutrition*, 61 (3): 304-13. <https://doi.org/10.1038/sj.ejcn.1602526>
- Cleveland Clinic. (1 Oktober 2025). Is It Ok To Eat MSG?. Cleveland Clinic. <https://www.health.clevelandclinic.org/is-msg-really-harmful>
- Djamaludin, S., & Fuad, F. (2024). Pertanggungjawaban Hukum Marketplace di Indonesia terkait Pelanggaran Hak Cipta: Tantangan, Regulasi, dan Upaya Pencegahan dalam Era E-Commerce. *Unes Law Review*, 6 (3). <https://doi.org/10.31933/unesrev.v6i3>
- Fauzia, I.Y., & Riyadi, A.K. (2020). *Prinsip Dasar Ekonomi Islam Perspektif Maqashid Syariah*. Kencana.
- Giantama, A.N., & Kholil, M. (2020). Pertanggungjawaban Hukum Penyedia Platform Terhadap Barang Yang Melanggar Merek Dalam Marketplace. *Jurnal Privat Law*, 8 (1). <https://doi.org/10.20961/privat.v8i1.40358>
- Hidayat, R. (2022). *Fikih Muamalah; Teori Prinsip Hukum Ekonomi Syariah*. CV. Tungga Esti
- Hikmah, F., Yanto, A., & Ariski, K. (2023). Perlindungan Hak Ekonomi Bagi

- Pemilik Hak Cipta Dalam Perspektif Hukum Kekayaan Intelektual di Indonesia. *Jurnal Pendidikan Dan Konseling (JPDK)*, 5(2). <https://doi.org/10.31004/jpdk.v5i2.13503>
- Karen, E., John, S., & Shaun, K. (2013). Economically Motivated Adulteration (EMA) of Food: Common Characteristics of EMA Incidents. *Journal of Food Protection*, 76(4): 723-735. <https://doi.org/10.4315/0362028X.JFP-12-399>
- Nanda, W.M. (2023). Tanggung Jawab Penyelenggara Platform Atas *Ilmiah Universitas Trunojoyo*, 15 (2). <https://doi.org/10.21107/pamator.v15i2.22541>
- Novianto, W., Zebua, A.M., & Mursal. (2021). Factors Influencing Decisions to Purchase Counterfeit Fashion Products: Brand Image, Price, Lifestyle (Literature Review Customer Behavior). *Journal of Law, Politic and Humanities*, 1 (4). <https://doi.org/10.38035/jlph.v1i4.73>
- Mustofa, A. (2021). Etika Bisnis Islam dalam Transaksi Digital. *Jurnal Ekonomi Syariah Indonesia*, 5 (1)
- Pangaribuan, R.R., & Permata., C. (2025). Reconstruction of Consumer Protection Regarding the Provision of Halal Features in the Marketplace from the Perspective of Maqashi Syariah. *IHSA Institute (Natural Resources Law Institute)*,14(1). <https://doi.org/10.35335/legal.v14i1.1272>
- Purnama, I.R., Purnama, A.R., Hardiansyah, R., Rahman, A., & Dimiyati, A. (2025). Legal Responsibility of Marketplaces for Consumer Losses Due to Counterfeit Products: A Comparative Study of Indonesia and Singapore. *International Journal of Social Service and Research*, 5 (5). <https://doi.org/10.46799/ijssr.v5i5.1228>
- Santoso, D. F., & Tarigan, T.M. (2024). Legal Analysis of Marketing Using Photos of Other People's Products Perspective of Fatwa Number 1 Of 2005 Concerning Protection of Intellectual Property Rights (Shopee Case Study). *Journal Equity Of Law And Governance*, 4(2). <https://doi.org/10.55637/elg.4.2.9898.238-243>
- Soekanto, S. (2014). *Pengantar Penelitian Hukum*. UI Press
- Soemitra, Andri. (2023). *Hukum Ekonomi Syariah dan Fiqih Muamalah*. Kencana
- Vietnam.vn. (25 Mei 2025). Unsafe food: Using fake seasoning powders and MSG silently damages the liver and kidneys. Vietnam.vn. <https://www.vietnam.vn/en/thuc-pham-ban-dung-hat-nem-bot-ngotgia-am-tham-tan-pha-gan-than>
- Yusuf, M. (2018). *Etika Bisnis Islami*. UII Press
- Zulham. (2023). *Hukum Perlindungan Konsumen*. Kencana