

Consumer Advocacy Problems in Building Halal Economy Perspective of Islamic Economic Norm and Ethics Yusuf Qardhawi: Study at the Indonesian National Consumer Protection Institute, Malang City

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Abstract

It can be said that the application of laws and regulations related to consumer protection is not in accordance with the reality that occurs in the field, there are still many consumers in Indonesia whose rights have been violated by business actors. The focus and objectives of this study are to find out the roles, constraints and strategies of LPKNI in carrying out consumer protection tasks and using Yusuf Qardhawi's Islamic Business Norms and Ethics. This research is a type of empirical juridical research, using a sociological juridical approach. The method of collecting it is through direct interviews and documentation. The results of this study are to find out the role of LPKNI as LPKSM in carrying out their duties in accordance with Law Number 8 of 1999 and its derivative regulations. The role carried out by LPKNI is also in accordance with Yusuf Qardhawi's Islamic business norms and ethics, but the various obstacles found in the field make consumers vulnerable to being tyrannized by business actors.

Keywords: *Consumer Advocacy, Halal Economy, Business Ethics.*

A. Introduction

The rapid development of the national economic and industrial sector has produced various types of goods and/or services that can be used and consumed by the public. Advances in science and technology have also become one of the supporting factors for the development of the national economy and industry, in this case the expansion of the range of transactions and buying and selling of goods and/or services so that they can reach buying and selling between countries.

This economic development not only has a positive impact but also has a negative impact, which can result in the position of business actors and consumers becoming unbalanced. Indonesia itself has many cases of violations of consumer protection in various products and services, where these violations are a negative impact of developments in the world economy and industry. Even though today, with the rapid development of the times and increasingly sophisticated technology, there are still many challenges that must be faced in order to create a lawful economy and business.

In Islamic business norms and ethics put forward by Yusuf Qardhawi, the basic principle or foundation of all business activities in Islamic law is placed on the highest principle, namely monotheism (unification of Allah SWT). From

this principle, the principle of istikhlaf was born, which states that what is owned by humans is essentially a deposit from Allah SWT, humans are only as holders of the mandate given to them. From the principle of monotheism also gave birth to the principle of al-ihsan which means carrying out good deeds that can benefit other people without any specific obligations that require them to carry out these actions. From the three principles above, the principles of al-amanah, ash-shiddiq, al-adl, al-khiyar, at-ta'wun, security and safety are born.

In the principle of security and safety there are five things that are the main objectives of Islamic law that must be guarded and maintained (al-dharuriyyat al-khamsah), namely: maintaining religion (hifdh al-din), protecting the soul (hifdh al-nafs), maintaining reason (hifdh al-aql), preserving offspring (hifdh nasl), and maintaining property (hifdh al-maal).¹⁴ In al-dharuriyyat al-khamsah there are points of preserving the soul (hifdh al-nafs) and maintaining property (hifdh al- maal) which in this case has a correlation with laws and regulations related to consumer protection (Khumedi Ja'far, 2014).

In this study, the authors reviewed several previous studies which also found almost the same problem, namely the article by Trie Dinda Februari from Andalas University, Padang and Eva Mayang Sari, from Sulthan Thaha Saifuddin Jambi State Islamic University, which also discussed the failure of LPKSM in carrying out its duties, which of course this is a common problem in every region in Indonesia. Previous research which is used as a reference in this research article is certainly a reinforcement of this research in which LPKNI Malang City as an institution mandated by law must continue to exist to succeed in the ideals of consumer protection in Indonesia.

The Indonesian National Consumer Protection Agency (LPKNI) is one of the Non-Governmental Organizations for Consumer Protection in Malang City. LPKNI was formed and carries out its duties based on Law Number 8 of 2018 concerning Consumer Protection and Government Regulation Number 59 of 2001 concerning Non-Governmental Organizations for Consumer Protection. In carrying out its duties, LPKNI Malang City has made various advocacy efforts to protect and fight for consumer rights. At present there are many cases regarding the implementation of business economics that violate the norms and rights of consumers, for example the case of the plastic rice case in Bekasi, Bekasi residents reported that there was something odd about the rice purchased at the market, it turned out that after investigation it was found that rice contained a plasticizer substance plastic. These two substances when consumed continuously by humans can cause cancer (Suminto, 2020, page 24)

This research method uses field research (Yuridis Empirical), this research is also known as social research which according to Soerjono Soekanto's view includes research using legal identification (unwritten law) and research on legal effectiveness. Based on the type of research used by researchers, this article is a study using a Sociological Juridical approach (Social Legal Approach) where this approach is used as a means of studying legal aspects with legal aspects in the field that occur among the community.

Various obstacles and problems in the implementation of advocacy in protecting consumer rights are certainly a problem and also in this case the

advocacy that has been carried out must also be analyzed regarding its conformity with Law Number 8 of 1999 concerning Consumer Protection, Government Regulation Number 59 of 2001 concerning the Consumer Protection Agency Non-Governmental Organizations and other Laws and Regulations. Besides that, it can also be seen the harmony and harmony with Islamic law, so as not to cause legal conflicts between the advocacy efforts carried out with Islamic law.

B. Discussion

1. The Advocacy Concept of Consumer Protection in Forming the Halal Economy.

a. Advocacy Concept

Having several meanings of advocacy, one of which was said by Makinuddin and Sasonko quoted in the journal Teuku Zulyadi said that advocacy is a process of litigation and a tool for making policy changes, some circles also use and interpret advocacy as taking sides, organizing, educating, mentoring, empowering, reinforcement, awareness, enlightenment, and so on (Deti & Sunantri, 2022, page 22).

The types of advocacy types are:

1) Case Advocacy

Case advocacy is an activity carried out by a social worker to help clients to be able to reach social resources or services to which they are entitled.

2) Class Advocacy

Class advocacy is an advocacy service for client groups or for segments of the population who have the same problem.

3) Legislative Advocacy

Legislative advocacy is an advocacy activity carried out in the process of deliberating laws.

The Consumer Protection Act states that consumer protection is all efforts that guarantee legal certainty to provide protection to consumers. Consumer protection has a broad scope, covering consumer protection for goods and services, which starts from the stage of activities to obtain goods and services up to the consequences of using these goods or services.

The formulation of the definition of consumer protection contained in article 1 point 1 UUPK is sufficient to provide protection for consumers, as stated by Ahmadi Miru and Sutarman Yodo. They stated that, the phrase "all efforts to guarantee legal certainty", does not mean that the interests of business actors are not considered in this law, given that national continuity and development are largely determined by business actors.

Article 3 UUPK regulates the purpose of consumer protection, namely as follows:

1) Increasing consumer awareness, ability and independence to protect themselves.

2) Raising the dignity of consumers by preventing them from negative access to the use of goods and/or services.

- 3) Improving consumer empowerment in choosing, determining and demanding their rights as consumers.
- 4) Creating a consumer protection system that contains elements of certainty and information disclosure as well as access to information.
- 5) Growing awareness of business actors regarding the importance of consumer protection so that honest and responsible attitudes grow in doing business.
- 6) Improving the quality of goods and/or services that ensure the continuity of the business of producing goods and/or services, health, comfort and safety of consumers (Sukardi et al., 2015, page 32).

According to article 2 of Law Number 8 of 1999 concerning consumer protection, consumer protection adheres to five principles, namely:

- The principle of benefit is intended to mandate that all efforts in implementing consumer protection must provide maximum benefit for the interests of consumers and business actors as a whole.
- The principle of justice is intended so that the participation of all people can be maximized and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations in a fair manner.
- The principle of balance is intended to provide a balance between the material and spiritual interests of consumers, business actors and the government.
- The principle of Consumer Security and Safety is intended to provide guarantees for security and safety to consumers in the use, usage and utilization of the goods and/or services that are consumed or consumed.
- The principle of legal certainty is intended so that both business actors and consumers comply with the law and obtain justice in the implementation of consumer protection, and the state guarantees legal certainty.

2. Views of Regulations Regarding Consumer Protection Against the Role of LPKNI.

The Non-Governmental Organization for Consumer Protection (LPKSM) or the Indonesian Archipelago Consumer Protection Agency (LPKNI) is a non-governmental organization engaged in consumer protection. In the Consumer Protection Act, the Non-Governmental Organization for Consumer Protection (LPKSM) has the opportunity to play an active role in realizing consumer protection.

The Non-Governmental Consumer Protection Agency is a non-governmental organization that is registered and recognized by the government. The government recognizes the establishment of a Non-Governmental Consumer Organization if it meets the requirements, namely being registered with the Regency/City government. Working in the field of consumer protection as stated in its articles of association

Duties and Authorities of the Non-Governmental Organization for Consumer Protection. In relation to the implementation of consumer protection, Law Number 8 of 1999 concerning Consumer Protection regulates the duties and authorities of LPKSM as stated in Article 44 and Article 3 of Government Regulation Number 59 of 2001 concerning the Non-Governmental Organization for Consumer Protection (LPKSM), namely as follows:

- 1) Disseminating information in order to increase awareness of the rights and obligations and prudence of consumers in consuming goods and/or services.
- 2) Give advice to consumers who need it.
- 3) Cooperate with relevant agencies in an effort to realize consumer protection.
- 4) Assist consumers in fighting for their rights, including receiving consumer complaints or complaints.
- 5) Carry out joint supervision of the government and the public on the implementation of consumer protection.

Furthermore, in Article 7 of Government Regulation Number 59 of 2001 concerning Non-Governmental Organizations for Consumer Protection, it is explained that in carrying out its duties in helping consumers fight for their rights, LPKSM can conduct advocacy or empower consumers with the aim that consumers can fight for their rights independently. In carrying out consumer advocacy or empowerment, LPKSM can help consumers individually or in groups.

The Role of Non-Governmental Consumer Protection Institutions in Resolving Disputes Pursuant to Article 46 of Law Number 8 of 1999 concerning Consumer Protection a lawsuit against a business actor's violation can be filed by:

A consumer who is harmed or the heir concerned;

A group of consumers who have the same interests;

The government and/or related agencies if the goods and/or services consumed or utilized result in large material losses and/or a large number of victims. Article 2 of the Consumer Protection Law also states that lawsuits filed by consumer groups, non-governmental consumer protection organizations or the government are submitted to the general court (Alam et al., 2022, page 52).

3. Yusuf Qardhawi's View of Norms and Business Ethics.

The concept of Islamic business norms and ethics put forward by Yusuf Qardhawi provides an understanding that one's behavior in doing business must be in accordance with the rules of Islamic law and when one does business it also aims to fulfill the commands of Allah SWT. Yusuf Qardhawi also explained the principles that form the basis of doing business and also discussed the government's role in carrying out Islamic business norms and ethics. In the context of consumer protection, Yusuf Qardhawi implicitly pays attention to the concept of Islamic business

norms and ethics. The Indonesian National Consumer Protection Agency as an institution tasked with protecting consumer rights, when analyzed with Yusuf Qardhawi's concept of Islamic business norms and ethics, has some harmony and suitability (Cholidiyah et al., 2018, page 71)

The principles in Islamic business that are in harmony with the role of LPKNI in the context of doing good and helping are the principles of Ta'awun and the principle of Al-Ihsan which mean that humans must help each other because there is no human who does not need help from others. and also humans must carry out good deeds that can benefit others. LPKNI as an institution tasked with helping consumers whose rights have been violated by business actors by conducting advocacy is of course in accordance with this principle, because consumers whose rights have been violated certainly need help from other people, in this case LPKNI (Ambarwati et al., 2013, page 80).

According to Yusuf Qardhawi, the state has a major role in implementing Islamic business norms and ethics, because the state's task is to turn norms into laws. Yusuf Qardhawi also said in his book that the State has the authority to form a special body tasked with overseeing and improving the quality of the economy, prosecuting people who violate it and reprimanding or imposing sanctions on people who neglect Shari'a in doing business. The state is also tasked with enforcing the obligations that must be carried out by each individual and taking steps to prevent illegal acts in doing business. If you look closely, the LPKNI is a special agency tasked with overseeing and improving economic quality, this is evidenced by the LPKNI program namely Market Operations to handle cooking oil, research on the authenticity of honey and standardization of food stalls, which the program aims to supervise business actors so that they do not commit fraud and improve the quality of goods or services circulating in the market.

Quoted from Yusuf Qardhawi, Prophet Muhammad SAW also gave an example that the government or the state must act as supervisors, mentors and educators in business activities. The Prophet at that time often visited the market to supervise, give advice and sometimes give warnings to negligent traders, even the Prophet also placed his best friend, Said bin Said ibn Ash, as the head of the market in Mecca. If analyzed more deeply, LPKNI, which runs outreach programs, outreach and seminars related to consumer protection to the public, which aims to educate consumers so that their rights are not violated by business actors, is a form of guidance and education to the community, in accordance with the example set by the Prophet Muhammad SAW. LPKNI, which accepts consultations and complaints from the public, also follows the Prophet's example of giving advice to the community.

LPKNI as an institution whose job is to help uphold consumer rights, all of its activities and programs are aligned and in accordance with Yusuf Qardhawi's concept of Islamic business norms and ethics. principle in Islamic business which of course this can result in business actors

committing unlawful acts such as monopoly, hoarding stock, and fraud against consumers.

Based on the findings in the field, data were obtained in the form of interviews with the President of the Malang City LPKNI, namely Nanang Nilson, S.H., M.H and Malang City LPKNI officials, namely Sudijono, S.H. The following are the results of the interviews:

The first question is, what are the programs of the Malang City Indonesian National Consumer Protection Institute?

Nanang Nilson, S.H., M.H and Sudijono, S.H. gave the same answer, namely, *"LPKNI has various types of programs, namely there are programs related to advocacy in protecting consumers, research and supervision programs which aim to monitor products or services in circulation so that they are standard and original. Then there is also socialization to the public as consumers to be smart which aims to prevent violations of consumer rights. The advocacy program is carried out when LPKNI receives complaints from consumers whose rights have been violated, namely by filing a lawsuit to the District Court or suing BPSK. For socialization programs, LPKNI usually goes out into the community to socialize consumer rights."*

The above is a program carried out by the Malang City LPKN Institute in protecting the rights of consumers for the formation of an economy and business that is halal and in accordance with Islamic law. There are also obstacles faced by LPKN, namely Sudijono, S.H, who gave an answer, namely, *"Regarding the obstacles faced there are very many, for obstacles when LPKNI brings consumer complaints to BPSK it is always not optimal, for example, when consumers are harmed by business actors, when consumer meetings must be present himself cannot be represented by legal counsel while the business actors are represented by the legal division of the company which results in the consumer being a minor party there. In addition, when a decision has been made by BPSK, BPSK should have given its decision to the District Court to be legalized and have legal force, but the court did not give validation on the grounds that there was no cooperation with BPSK and written rules from the Supreme Court regarding this matter. So that the decision cannot be carried out and consumers fail to fight for their rights."*

Based on the results of the interview above, there is still a weakness in the role of LPKN Malang in protecting consumers whose rights have been violated by producers, therefore the principle of rights according to Yusuf Qardhawi is good to be applied appropriately for the sake of creating a mutually beneficial economy. With the realization of the principles of rights, disputes between consumers and producers will no longer occur.

C. Conclusion

Based on the results of the research and discussion that have been described, it can be concluded that the Indonesian National Consumer Protection Agency in

Malang City as a Non-Governmental Organization for Consumer Protection mandated by Law Number 8 of 1999 concerning Consumer Protection has carried out its role in accordance with statutory regulations. existing invitations, but the reality on the ground complicates LPKNI's work in making efforts to prevent consumer rights violations and consumer advocacy. The material content of Law Number 8 of 1999 concerning Consumer Protection and its derivative regulations, namely Government Regulation Number 59 of 2001 concerning Non-Governmental Organizations for Consumer Protection already covers everything for LPKNI as LPKSM works to protect consumers in Indonesia, however the problem is the regulations that there are difficult to implement in practice. The Norms and Ethics of Islamic Business put forward by Yusuf Qardhawi implicitly provide views regarding Consumer Protection, which in this case are the principles of Islamic business and the government's role in protecting consumers. The Indonesian National Consumer Protection Agency with both advocacy and non-advocacy programs has carried out and is in accordance with Islamic business principles and LPKNI as an LPKSM which was formed based on the Law is also a form of government concern for consumer protection which is in accordance with what was exemplified by the Prophet Muhammad SAW and in according to Yusuf Qardhawi, the concept of the government's role in setting Islamic business norms and ethics, despite the various obstacles that resulted in the LPKNI's role not being optimal.

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