

A COLLABORATIVE DIGITAL HISBAH MODEL: BRIDGING THE GAP BETWEEN COMMERCIAL INTERESTS AND CONSUMER PROTECTION IN INFLUENCER MARKETING

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Abstrak

Keywords:

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Influencer Ethics,
Product Overclaim,
Tadlis.

The digital economic landscape has positioned influencers as pivotal intermediaries whose persuasive power often leads to "product overclaim"—a sophisticated form of Tadlis (misrepresentation) that jeopardizes market transparency and consumer consent. Despite its prevalence, existing literature frequently overemphasizes individual piety, leaving a significant gap in systemic oversight mechanisms for decentralized social media platforms. This research seeks to bridge this divide by formulating a multi-layered framework to safeguard the integrity of the Islamic digital market. Employing a qualitative library research approach, the study synthesizes diverse perspectives from Islamic jurisprudence, consumer law, and digital governance through rigorous content analysis. The investigation culminates in the proposal of the "Collaborative Digital Hisbah Model," which redefines the classical Muhtasib role into four synergetic pillars: influencers' professional self-regulation (Self-Hisbah), algorithm-based platform accountability (Platform Governance), collective public monitoring (Community Oversight), and formal legal intervention by Sharia authorities (Regulatory Support). The study reveals that mitigating information asymmetry in the creative industry necessitates a transition from centralized state control to a distributed responsibility model. These insights offer a strategic path for regulators and digital marketers to cultivate a digital ecosystem that aligns commercial interests with spiritual and social accountability.

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INTRODUCTION

The exponential growth of the digital economy has recalibrated social media platforms into primary marketplaces, where influencer marketing acts as a pivotal bridge connecting brands with their target audiences. Within this contemporary landscape,

influencers wield substantial persuasive power, frequently assuming the role of informal intermediaries or *samsarah* who fundamentally recalibrate societal consumption behaviors (Saadati et al., 2025). Nevertheless, the intense commercial pressures within this sector have precipitated a profound ethical crisis (Putri & Raodah, 2025) specifically the widespread emergence of "product overclaim." This phenomenon, characterized by the dissemination of exaggerated or deceptive information regarding product efficacy, constitutes a modern manifestation of *Tadlis* (fraud). Such practices directly jeopardize the foundational tenets of Islamic economics, namely transparency and mutual consent (*'an taradin*). When influencers prioritize immediate financial gain over informational integrity, they cultivate an environment of information asymmetry that unequivocally undermines consumer welfare and erodes systemic market trust (Raniya et al., 2024).

This ethical deficit is further aggravated by the sluggishness of formal legal frameworks in adapting to digital dynamics. While current regulations, such as the Electronic Information and Transactions (ITE) Law or the Consumer Protection Law, establish a general legal baseline, they often lack the agility required to govern the rapid and subjective nature of digital content. Historically, in the evolution of Islamic economic thought, the institution of *Hisbah* was specifically engineered to mitigate such market distortions by upholding ethical standards and precluding fraudulent activities (Mutmainnah, 2023). However, the application of a traditional, centralized *Hisbah* model within a decentralized digital sphere is no longer viable. There is an urgent imperative to re-conceptualize the role of the *Muhtasib* (market supervisor) and explore its revitalization within a complex digital ecosystem where the boundaries of authority are increasingly fluid.

The necessity of this research is rooted in the imperative to move beyond mere moral exhortations directed at influencers. While prior scholarship has highlighted the significance of individual piety or *Self-Hisbah* (Mutmainnah, n.d.) relying exclusively on personal ethics has proven insufficient within a high-stakes commercial environment characterized by significant financial incentives. Consequently, there is an urgent need for systemic intervention—one that acknowledges the inherent conflicts of interest between influencers, brand owners, and the general public. Absent a structured oversight mechanism, the digital marketplace faces a potential "collapse of trust," wherein consumers become increasingly cynical toward products, regardless of their *Sharia* endorsements or "halal" certifications, due to unverified claims. Thus, investigating a collaborative approach that merges digital innovation with classical supervisory values is not merely a theoretical endeavor but a practical necessity for the long-term viability of the creative economy.

In response to these multifaceted challenges, this study proposes the "Collaborative Digital *Hisbah* Model" as a robust alternative solution. Diverging from traditional, centralized models, this framework decentralizes supervisory functions across diverse stakeholders, incorporating algorithmic transparency on platforms, community-based fact-checking, and the standardization of influencer codes of conduct. The overarching objective of this inquiry is to construct a theoretical framework that effectively bridges the divide between the commercial interests of the influencer industry and the non-negotiable requirement for consumer protection. By synthesizing classical *Hisbah* tenets with contemporary digital governance, this research aims to offer a strategic roadmap for a digital marketplace that is fundamentally more ethical, transparent, and aligned with *Sharia* principles. These findings are intended to serve as a critical reference

for policymakers, digital marketers, and Islamic economic scholars in fostering a digital economy that is not only lucrative but also socially and spiritually accountable.

LITERATUR REVIEW

Islamic Marketing Ethics and Overclaim Practices on Social Media

In the discourse of Sharia economics, marketing ethics serve as the bedrock for preserving the *barakah* (divine blessing) of transactions (Zamzam & Aravik, 2020). However, in practice, informational integrity—which constitutes a shar'i obligation—is frequently compromised during digital endorsements. The phenomenon of "overclaiming," or making exaggerated assertions regarding a product or service (Rahmawanty et al., 2025), is categorized as a form of *Tadlis* or deception (Fauzi, 2017), as it deliberately obscures the actual facts of a product to entice potential buyers. The resulting information asymmetry orchestrated by influencers not only inflicts material harm upon consumers but also violates the fundamental principle of 'an-taradin (mutual consent), which remains a non-negotiable prerequisite for valid exchange in Islam.

The Revitalization of the Hisbah Institution in Indonesia's Digital Economy

In the current era dominated by digital information, the transformation of the Hisbah institution has become a critical necessity. The role of the Muhtasib (market supervisor) in the modern age should not be limited to a singular physical entity; rather, it can be seamlessly integrated into digital oversight systems (Muhammad & Ridwan, 2024). Monitoring Sharia-compliant markets in Indonesia requires urgent technological innovation to bridge the gap between formal regulatory lag and the rapid market dynamics occurring on social media platforms (Rahmah & Fasa, 2024). In this context, the concept of Hisbah is envisioned as a strategic quality control mechanism, ensuring that every piece of information circulating within the digital marketplace possesses a verifiable basis of truth that can be held accountable.

Consumer Protection and the Role of Collaborative Oversight

Protecting Muslim consumers in the digital epoch necessitates a robust synergy between state-led regulations and the ethical awareness of business practitioners (Fanani & Takayasa, 2022). The efficacy of monitoring deceptive advertisements is heavily contingent upon the active engagement of the public (Oktaviani et al., 2025). Furthermore, Self-Hisbah (self-regulation) must be fortified by a collaborative external framework (Mutmainnah, 2023). This implies that the obligation for informational transparency should not rest solely on the influencer's shoulders; rather, it constitutes a shared responsibility among brand owners as primary information providers and digital platforms as media facilitators.

Development of Research Propositions

Drawing upon the aforementioned arguments, this study advances two primary propositions to be examined:

1. Centralized digital market oversight models (exclusively state-driven) have become increasingly ineffective in mitigating product overclaim; thus, they require the integration of Hisbah values that are both distributed and operative in real-time.
2. The implementation of a Collaborative Hisbah model—incorporating influencers, brand owners, and consumer communities—can address *Tadlis* practices with greater responsiveness compared to conventional, top-down regulatory approaches.

RESEARCH METHODOLOGY

This inquiry is a qualitative study employing a library research design, aimed at exploring, scrutinizing, and synthesizing existing literature (Zed, 2008) regarding the institution of Hisbah within the sphere of digital marketing. The methodology adopts a descriptive-analytical approach, wherein literature data is not merely aggregated but critically dissected to construct a novel oversight framework (Snyder, 2019). The data for this research are derived from a systematic search of academic literature encompassing Hisbah, Islamic economic ethics, consumer protection, and influencer marketing, while consistently utilizing classical Hisbah concepts as the theoretical and philosophical foundation.

Data collection was executed through documentation techniques (Daruhadi & Sopiati, 2024), involving the following systematic stages: (1) Identification: Searching for literature aligned with the research focus, specifically targeting themes such as "Digital Hisbah," "Marketing Tadlis," "Influencer Ethics," and "Muslim Consumer Protection." (2) Filtering: Selecting scholarly articles that specifically address the intersection between market supervision and digital economic behavior. (3) Evaluation: Assessing the quality and pertinence of previous research findings to serve as a cornerstone for the development of the collaborative model.

The accumulated data were analyzed using Content Analysis and Comparative Analysis (Sarosa, 2021). The researcher performed data reduction by categorizing the literature into three primary thematic clusters: (a) foundational Hisbah theories, (b) the problem of product overclaim on social media, and (c) digital governance instruments. Subsequently, these data were synthesized through an Integrative Review technique to construct the "Collaborative Digital Hisbah" framework, designed to bridge the disparity between commercial interests and consumer protection.

To ensure the validity and credibility of the results, a Data Source Triangulation technique (Arianto, 2024) was implemented. This involved contrasting diverse perspectives from various researchers and validating them against the fundamental principles of contemporary muamalah (Islamic transaction) jurisprudence. This rigorous process was undertaken to guarantee that the proposed model possesses both a robust Islamic legal foundation and practical relevance in the digital age.

RESULT AND DISCUSSION

Typology of Overclaim as a Manifestation of Tadlis in the Digital Economy

The phenomenon of "overclaim" within modern endorsement practices has transcended beyond mere persuasive marketing; it has evolved into a form of structured market distortion. Product overclaims perpetrated by influencers are identified as modern manifestations of Tadlis (Maulida et al., 2019). Theoretically, Tadlis is defined as the deliberate act of concealing product defects (Fauzi, 2017) or projecting a false sense of quality that contradicts reality to deceive potential buyers (Dayanti, 2023). Within the digital sphere, this practice manifests through three distinct layers of information asymmetry: visual manipulation (excessive use of digital filters), biased testimonials (unsubstantiated claims of efficacy lacking medical or scientific basis), and the intentional concealment of product risks.

This research reveals that the characteristics of digital overclaims are inherently more destructive than traditional market fraud. This heightened impact is attributed to the "authority factor" inherent to influencers (Wahab, 2025). Consumers frequently make

purchasing decisions based on trust and emotional bonds—often termed parasocial relationships—rather than an objective evaluation of the product. When an influencer disseminates exaggerated claims, it constitutes a fundamental breach of the Amanah (trust) contract. From an Islamic economic perspective, advertising or promotion serves as Bayan (clarity or explanation). If this Bayan contains elements of deception, the consumer's right to informational transparency is effectively usurped. In the context of Muamalah jurisprudence, this creates a defect in the essential pillars of a sale, specifically regarding mutual consent (Ridha). Consent predicated upon falsified information is classified as "faulty consent," thereby rendering the transaction substantially unjust and characterized by Zhulm (oppression/injustice) (Taufiq, 2017).

Furthermore, overclaims generate significant negative externalities for the broader halal industry ecosystem. When exaggerated assertions regarding products bearing halal or Sharia labels are proven fraudulent, the repercussions extend beyond damaging a single brand's reputation; they systematically degrade public confidence in Sharia certifications as a whole. Influencers, who frequently operate as Samsarah (brokers or intermediaries), bear a Shar'i responsibility (Putri & Raodah, 2025) to ensure that the promoted objects are free from elements of Gharar (uncertainty or ambiguity). Nevertheless, empirical realities indicate that commercial contractual pressures often compel influencers to bypass this self-regulatory function in pursuit of sales performance or engagement metrics.

Consequently, the mitigation of overclaims can no longer be relegated solely to internal platform policies or mere moral exhortations. There is a vital need to re-enforce Hisbah values adapted for the digital sphere. Within this context, the role of the Muhtasib is to guarantee that every promotional message reaching the public has undergone a process of honest curation. Such mitigation efforts are pivotal to maintaining the integrity of the digital economy, ensuring it remains aligned with the principles of fairness and transparency.

Construction of the Collaborative Digital Hisbah Model: A Multi-Stakeholder Synergy Mechanism

Based on the analysis of the failures inherent in reactive, single-party oversight models, this study constructs a novel framework termed "Collaborative Digital Hisbah." This model is predicated on the finding that within a decentralized digital marketplace, the function of market supervision (Hisbah) can no longer rely exclusively on formal state institutions. Instead, a distribution of responsibility involving four primary dimensions is required to guarantee informational transparency and mitigate the prevalence of overclaim practices.

1. Self-Hisbah as Internal Quality Control

This study reveals that the efficacy of digital market oversight is fundamentally contingent upon an "internal police" or the moral consciousness of the economic actors themselves. The supervisory function should not merely be coercive, originating from authority (Lestari et al., 2022), but must be rooted in the market actor's intent to uphold justice. In this context, Self-Hisbah for an influencer is not merely an ethical choice; it is a shar'i obligation inherent in their role as a disseminator of product information to the public.

Self-Hisbah operates through the mechanism of muraqabah (Mutmainnah, n.d.), which is the profound conviction of being perpetually under Divine supervision. An influencer possessing Self-Hisbah will view an endorsement contract as an amanah (trust)

of information. Consequently, committing an overclaim constitutes a betrayal of that trust. Within the digital economy, trust is the primary commodity. An influencer who engages in overclaiming for transient financial gain is, in reality, eroding the non-formal *syirkah* (partnership) asset existing between themselves and their followers. Theoretically, Self-Hisbah necessitates that influencers conduct independent validation: is the product claim genuinely factual, or is it merely a fabrication of marketing copywriting?

Influencers occupy the position of the Primary Muhtasib within the information chain. Consequently, prior to the dissemination of an advertisement, influencers are obligated to perform a "small-scale audit" of the product in question. In Islam, honesty in every transaction is a mandatory requirement for upholding justice; thus, the demand for veracity in an influencer's information delivery is not an overstatement, but rather a concrete implementation of Sharia economic professionalism.

To further ensure the efficacy of Self-Hisbah, it must be operationalized through a "Digital Integrity Pact." Before accepting compensation, influencers should provide a formal declaration stating they have verified product claims in good faith. Empirical evidence suggests that influencers who embrace this principle of honesty—including transparency regarding a product's limitations—actually enjoy higher levels of follower loyalty. This demonstrates that Sharia-compliant honesty shares a positive correlation with long-term economic sustainability (Aisyah, 2025).

2. Platform Governance as Digital Hisbah Infrastructure

While Self-Hisbah operates at the level of individual consciousness, this second pillar functions within the structural environment where transactions occur. Social media platforms—such as Instagram, TikTok, and X—must no longer be regarded as neutral intermediaries; instead, they should be viewed as digital marketplaces (Prasetyowati et al., 2020) that bear systemic responsibility for upholding economic ethics.

In the era of big data (Arie, 2024), algorithms emerge as "automated muhtasibs" (Azizah, 2024). Within this framework, platforms can integrate "Honesty Algorithms" capable of detecting linguistic patterns indicative of overclaiming (Tadlis), such as implausible efficacy promises or repetitive fake testimonials. Utilizing AI for the automated flagging of endorsement content that lacks transparency labels is a modern implementation of the Muhtasib's duty to ensure the clarity of contracts and transaction objects. The inclusion of prominent labels such as "Paid Promotion" or "Sponsored Content" is essential to ensure consumers are fully aware of the commercial nature of the broadcast.

Furthermore, verification mechanisms must be integrated with authoritative bodies such as BPOM (National Agency of Drug and Food Control) or LPPOM MUI (Suhardi & Kusumaningsih, 2025). Consumer protection guarantees are significantly fortified through automated cross-verification systems. For instance, if an influencer claims a cosmetic product is Halal-certified, the platform's system should automatically cross-reference the relevant authority's database. Should the data fail to synchronize, the platform could append a "Claim Unverified" label to the content. This systemic solution effectively bridges the disparity between the rapid pace of digital content and the traditional slowness of manual verification.

Platform governance as a "Digital Muhtasib" provides an objective operational framework. Without the support of platform infrastructure, moral appeals to influencers would be difficult to implement on a massive scale. The synergy between technological

policy and Hisbah values ensures that the digital sphere becomes a secure environment for consumers to engage in transactions without the fear of falling victim to informational deception.

3. Community Oversight (Collective Muhtasib) as a Force for Digital Social Control

In the tradition of Islamic economics, market oversight is not solely a state obligation; it represents the implementation of a collective duty (Fardu Kifayah) to enjoin the good and forbid the evil (Amar Ma'ruf Nahi Munkar). Amid the limited reach of formal regulations, netizens have emerged as a real-time, participatory supervisory force (Bahri, 2024).

The phenomenon of consumers in an open digital world freely providing comments and responses to commercial broadcasts has paved the way for the transformation of netizens into a "collective digital muhtasib." Netizens now possess the capacity to conduct public audits of influencer claims. Through comment features and content-sharing tools like "stitch" or "duet" on social media (Juditha & Darmawan, 2023), they perform independent fact-checking. When an influencer makes an overclaim that contradicts product reality, the community provides instantaneous correction. These findings suggest that netizens now act as "market judges," imposing direct moral sanctions that are often far more feared (Hermawan & Gassing, 2023) by business actors than administrative fines.

Market judgment delivered by netizens, leading to the reputational decline of brands and influencers, constitutes the most potent social sanction for mitigating Tadlis. In this context, the loss of follower trust represents the most significant economic deficit an influencer can face. A decline in follower count or a boycott against brands utilizing dishonest influencers serves as a form of "market purification" from practices containing elements of Gharar (uncertainty/ambiguity).

Furthermore, the "information collectivism" derived from netizens serves to counter information asymmetry, where influencers typically hold exclusive knowledge of true product quality while consumers only perceive what is curated on screen. Netizens who have personally tested products share honest reviews to validate or debunk influencer claims. This analysis demonstrates that community-driven transparency compels influencers to return to the path of Sharia ethics, as they recognize that any informational falsehood will be swiftly unmasked by the public's collective intelligence.

4. Regulatory Support and Sharia Law Enforcement as Muhtasib al-A'la

Within the Collaborative Digital Hisbah Model, the state and Sharia authorities—such as DSN-MUI, BPOM, and OJK—occupy the position of Muhtasib al-A'la, or the supreme supervisors. While the preceding pillars (individual, platform, and community) function as preventive measures and social controls, this fourth pillar serves as the formal enforcer of justice, providing much-needed legal certainty (Mujahidin, 2012).

Sharia authorities in Indonesia, particularly DSN-MUI, are expected to issue specific guidelines or fatwas concerning Sharia-compliant influencer marketing. Such a fatwa must strictly delineate the boundaries between "creative promotion" and "informational deception (Tadlis)." Formal regulation is imperative to establish a uniform value standard, providing the other pillars with a clear point of reference to evaluate whether specific content constitutes an overclaim.

Without rigorous sanctions, the digital ecosystem will remain susceptible to speculative market actors. Consequently, state regulators (such as BPOM or OJK) bear

the responsibility of imposing administrative penalties, ranging from formal warnings to the revocation of business licenses for brand owners proven to have orchestrated influencer overclaims. Law enforcement must not merely target individual influencers but must also reach the corporations acting as the architects of this information asymmetry. This aligns with the principle of justice in Islam (Permana & Nisa, 2024), which demands accountability from all parties involved in a chain of deception.

The active presence of regulators as the ultimate authority in monitoring market fairness and honesty will exert a powerful influence, ensuring that Indonesia's digital marketplace is not merely a "free market" but a civilized environment protected from all forms of systemic fraud.

CONCLUSION

This research concludes that the phenomenon of product overclaim within the influencer industry is not merely an aggressive marketing tactic, but a tangible form of informational distortion categorized as Tadhlis (deception). The existing centralized, single-tier oversight model has proven inadequate in addressing the dynamics of a decentralized digital marketplace. In response, this study proposes the Collaborative Digital Hisbah Model, which integrates individual conscience (Self-Hisbah), technological infrastructure (Platform Governance), social control (Community Oversight), and legal certainty (Regulatory Support). The synergy of these four pillars is expected to mitigate information asymmetry and uphold the integrity of the Sharia economy in the digital era.

1. Practical Implications

The findings of this study offer several actionable recommendations for key stakeholders:

- a) For Influencers: It is advised to adopt a "Self-Verification Protocol" prior to entering into endorsement contracts. Veracity in presenting product claims will not only prevent the practice of Tadhlis but also enhance an influencer's reputational capital and long-term follower loyalty.
- b) For Government and Sharia Authorities: DSN-MUI and relevant regulators should formulate specific ethical guidelines for digital marketing. Furthermore, developing a product verification database integrated with social media platform APIs is crucial to provide real-time validation of claims.
- c) For Brand Owners: A strategic shift in orientation is required—moving from short-term sales targets toward informational transparency. Companies are encouraged to honestly disclose product limitations in promotional materials to foster a sustainable marketplace.

2. Research Limitations

The researcher acknowledges several constraints in this study:

- a) Methodology: As a qualitative-literary study (library research), the resulting model remains theoretical and has yet to be empirically tested through field data or industry surveys.
- b) Platform Scope: This analysis remains broad across social media. However, different platforms (such as TikTok, Instagram, or YouTube) possess distinct algorithmic characteristics and user demographics that may require technical adjustments in Hisbah implementation.

- c) Digital Literacy: The collaborative model is heavily dependent on public digital literacy. This research does not deeply examine the effectiveness of community oversight when faced with low-literacy populations.
3. Suggestions for Future Research
- Based on the limitations above, future researchers are encouraged to:
- a) Empirical Studies: Conduct field research utilizing interviews or surveys with influencers and consumers to validate the efficacy of Self-Hisbah and community social sanctions.
 - b) Platform Specialization: Perform comparative analyses of digital Hisbah controls on specific platforms to identify which ecosystems are most vulnerable to Tadlis practices.
 - c) Instrument Development: Design measurement instruments or "Sharia-Compliance" indicators for digital marketing content that can be utilized by regulators as a certification standard for professional influencers.

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