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Buying and Selling Cosmetics Not Labeled Halal in Bitung City Perspective of Muamalah Jurisprudence

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Abstract: Bitung City is a city located in North Sulawesi whose residents have a high interest in maintaining the performance of their appearance, both women and men. To get a good and beautiful performance and appearance, it is necessary to use beauty tools and cosmetics that support their appearance. The problem is that some cosmetics that are marketed do not have a halal label so they become safe and halal for use in the lens of Islamic law. Some respondents in Bitung City have different views regarding the law on the sale and purchase of cosmetics that are not labeled halal. From the results of the study, it was found that some Muslim users and sellers do not care about the halal label or not in cosmetic products, the most important thing for them is that it has been standardized safe for health issued by BPPOM RI, so in their view it is okay to buy and sell this kind of Some others view the provisions of halal law in products marketed as what causes buying and selling to be legal and halal according to Islamic law. Because the cosmetics marketed are not labeled halal, the cosmetics have the status of sunhat or doubt halalala. Therefore, buying and selling are also categorized as a syubhat buying and selling. Shubhat buying and selling is included in the category of buying and selling that is gharar or vague because of the uncertainty of the legal status of the contents contained in the cosmetics, whether halal or haram. Buying and selling gharar is buying and selling prohibited in the provisions of Islamic Sharia.

Keywords: Cosmetics; Buying and Selling; Review of Muamalah Jurisprudence.

INTRODUCTION

In people's lives, there are often various forms of desired needs. Needs include several basic items, namely, clothing, food, and shelter. This is the most fundamental level of

the theory of the need for a person to do something to get something. Everyone is passionate about doing everything related to what they want to achieve, starting from doing the work they want to do for the results they dream of, and the need to love others or love themselves so that they can establish a good life. Or needs that lead to one's desire to beautify themselves or make themselves more beautiful in people's eyes to cause themselves to become more confident in living life^{1,2}.

However, in achieving this goal, sometimes humans take shortcuts to get the exact body shape of the face that is beautiful and attractive, especially among women, namely by using products that do not have definite certainty of product quality and do not have halal labels or products that have been checked and defected by the Food and Drug Supervisory Agency (BPOM).

In this day and age the sale of cosmetics is very easy to find in the circulating market, be it the type, price, or different brands related to its quality. The desire of women who are very high to beautify or beautify themselves is a golden opportunity for traders in generating income. Whether it's a responsible trader or not. So that with the circulation of many cosmetics on the market, both licensed and not.

As per the Regulation of the Head of the POM RI No. 2 of 2014 concerning the Second Amendment to the Regulation of the Head of the POM Agency No.HK.03.1.23.08.11.07517 of 2011 concerning Technical Requirements for Cosmetic Ingredients, where there is a list of hazardous ingredients contained in the manufacture of prohibited cosmetic products. Some cosmetic products contain harmful substances, including medicinal chemicals (BKO) that can harm the human body.

In Bitung City, 1447 packages of illegal or unlicensed cosmetic products were found precisely at the Winenet Market outlet taken from the results of cosmetic intensification in July 2022. The most commonly encountered are cosmetics derived from independent concoctions³.

As for cosmetics that have permission from the government, it can be seen from the Decree of the Minister of Industry and Trade Number 245 / MPP / Kep / 7/2000 concerning Import Trade Procedures and Circulation of Certain Hazardous Substances, the actions taken and carried out by BPOM are carrying out activities in the form of socialization concerning biological materials which are contained in food so that they can endanger the health and safety of each ruler in the industrial and other fields. The authority of BPOM is strengthened by the existence of PP Regulation No, 28 of 2004 concerning food quality safety and nutrition as an implementation of Law No. 7 of 1996 concerning Food. As well as

¹ Ghea Aziza Motik and Rini Lestari, "Hubungan Antara Konsep Diri Dengan Perilaku Konsumtif Terhadap Produk Kosmetik Pada Mahasiswi" (Universitas Muhammadiyah Surakarta, 2021).

² Sutomo, "Guarantee of Social Needs In Islamic Economic Perspective," *Paper Knowledge . Toward a Media History of Documents* 3, no. 2 (2021): 6.

³ Hariani, "Gelar Press Release, BBPOM Di Manado Sampaikan Temuan Ratusan Kosmetik Ilegal Di Sulawesi Utara Selama Intensifikasi Pengawasan Juli 2022," *BALAI BESAR POM DI MANADO*.

Presidential Decree Number 110 of 2001 stipulates BPOM consists of supervision of therapeutic products, narcotics, psychotropic and addictive substances, supervision of traditional medicines, cosmetics complement products, or food supplements as well as supervision of food safety and hazardous materials⁴.

In Islam, there are basic principles that must be followed in making buying and selling transactions. One of these principles is the principle of halal and purity. Therefore, buying and selling non-halal cosmetics can be a problem in Islam⁵). In this case, there are two different points of view. First, some argue that buying and selling non-halal cosmetics is haram because there are haram ingredients such as lard and alcohol in their manufacture. Meanwhile, some argue that buying and selling non-halal cosmetics is not haram, as long as these ingredients are not unclean or harmful to health.

However, the opinion of the majority of scholars based on the precautionary principle is that non-halal cosmetics are legally haram to use. This is because in the process of making non-halal cosmetics, there are often ingredients that are unclean or contaminated with haram ingredients, so their use can endanger health⁶.

Therefore, Muslims are encouraged to choose and use halal cosmetics that have been registered by authorized institutions. In addition, as a smart consumer, it is necessary to check the ingredients contained in cosmetics before buying and using them. However, what is found in the people of Bitung City is even inversely proportional to the religious teachings that are organized. However, the people of Bitung City predominantly use beauty products that are not labeled halal and BPOM.

Journal of Scientific Scholars written by Mustika Aulia and Muhammad Aswad entitled The Influence of Islamic Branding, BPOM Labels and Word Of Mouth in Millennial Consumer Decisions on Cosmetic Products in Nganjuk Regency. The similarities between the journals studied are the influence of cosmetics labeled halal and BPOM in society. Meanwhile, the difference in the writings studied is Islamic branding and Word Of Mouth in the writings written by researchers discussing the perspective of muamalah jurisprudence⁷.

Journal of Documentation and Information entitled Bibliometric Analysis of Publication of Digital Marketing Research Development Kosmeti Halal, written by Yulist Rima Fiandari. Where there are similarities, namely cosmetics labeled halal in the community. The

⁴ Atin Carolina Parei and Fitika Andraini, "Fungsi Dan Peran Bpom Dalam Perlindungan Konsumen Terhadap Makanan Yang Mengandung Bahan Berbahaya Di Kota Pekanbaru," *Jurnal Ilmiah Dinamika Hukum* 21, no. 2 (2018): 1–9.

⁵ Zhafira Yufi Alfiyani Agus Kurniawan, Rizqi Pranita Yusmayra, Shella Amy Resiya, Syafira Putri Ariani, Zakiatun Nufus Hasanah, "Prinsip Etika Bisnis Syariah Dalam Transaksi E-Commerce," *Prosiding National Seminar on Accounting, Finance adn Ekonomik (NSAFE)* 1, no. 7 (2022): 130–139.

⁶ Parei and Andraini, "Fungsi Dan Peran Bpom Dalam Perlindungan Konsumen Terhadap Makanan Yang Mengandung Bahan Berbahaya Di Kota Pekanbaru."

⁷ Mustika Aulia and Muhammad Aswad, "Pengaruh Islamic Branding, Label BPOM Dan Word Of Mouth Terhadap Keputusan Konsumen Milenial Pada Produk Kosmetik Di Kabupaten Nganjuk," *Jurnal Cendekia Ilmiah* 1, no. 4 (2022): 294–305.

difference is in digital marketing, while the researcher's writing, discusses the public perception of cosmetics⁸

Journal of Islamic Studies in the Malay Region entitled *The Authority of Fatwas of the Indonesian Ulema Council Against Cosmetic Labels in Indonesia*, Written by Mega Ayu Ningtyas and Safaruddin Harefa. Where there are similarities, namely in the perspective of muamalah jurisprudence on cosmetic labels that develop. The difference is in the authority of the fatwa of the Indonesian ulema council in Indonesia, which means that it has a very broad scope while the author is only in certain areas, namely the city of Bitung⁹

The journal entitled *Implementation of Sharia Marketing Mix in Cosmetics labeled Halal on consumer purchasing decisions from an Islamic Perspective* was written by Siti Khodijah, Muhammad Iqbal Fasa, and Suharto. The journal has similarities to cosmetics from an Islamic perspective. The difference is that the journal discusses cosmetics that are labeled halal while what the author researches is cosmetics that are not labeled halal¹⁰.

So from the description above, the author raises several problems that will be discussed in this article, namely, how is the muamalah fiqh review of buying and selling cosmetics not labeled halal and BPOM that occurs in Bitung City?

RESEARCH METHODS

This research is qualitative research whose data collection techniques are obtained through field studies using juridical and empirical approaches¹¹. This research took place in Bitung City located in North Sulawesi Province. Primary data from this study were obtained by observation, interviews, and documentation. Then the data that has been obtained earlier is then carried out by an examination of documents or sources to be sorted so that they can be taken based on the most relevant to the research problem¹². The analysis used after the data is accumulated is inductive analysis, which is an analysis that departs from specific data and then draws general conclusions from it. In this qualitative research, researchers will still go through three main components, namely, data reduction, data presentation (data display), and making conclusions (data conclusion drawing).¹³ These components will be

⁸ Yulist Rima Fiandari, "Analisis Bibliometrik Publikasi Perkembangan Penelitian Pemasaran Digital Kosmetik Halal Analisis Bibliometrik Publikasi Perkembangan Penelitian Pemasaran Digital Kosmetik Halal," no. January (2023).

⁹ Kewenangan Fatwa et al., "Mega Ayu Ningtyas & Safaruddin Harefa Kewenangan Fatwa Majelis Ulama Indonesia Terhadap Label Kosmetik Di Indonesia Safaruddin Harefa," *Jurnal Studi Islam Kawasan Melayu* 5, no. 01 (2022): 13–22.

¹⁰ Suharto Siti Khodijah, Muhammad Iqbal Fasa, "Implementasi Bauran Pemasaran Syariah Pada Kosmetik Berlabel Halal Terhadap Keputusan Pembelian Konsumen Pada Perspektif Islam."

¹¹ Jonaedi Efendi and Johnny Ibrahim, "Normative and Empirical Legal Research Methods," *Jakarta: Prenada Media* (2018).

¹² MBA2010 Ridwan, "Measurement Scale of Research Variables," *Bandung: Alfabeta* (2010).

¹³ Sugiyono, "Metode Penelitian Kuantitatif Kualitatif Dan R&D," *CV. Alfabeta, Bandung* 25 (2008).

interrelated both before, during, and after the implementation of data collection. Analysis with a model like this is generally called a flow analysis model or flow model of analysis.

DISCUSSION

A. The implementation of PKWT became PKWTT before the Ciptaker Perppu and the Ciptaker Law came into effect

1. General Provisions on Cosmetic Products

Cosmetics are products that have been circulating very widely in Indonesia. The development of cosmetics is very rapid along with the development of technology and science. The beginning of the development of cosmetics began several centuries earlier, starting in the 19th century when cosmetics gained attention in the world of beauty. New cosmetics expanded massively in the 20th century.

Cosmetics are one part of the business world. Entrepreneurs flocked to sell cosmetics. With the development of cosmetic technology, its technology has advanced so that there is what is known as medical cosmetics.

With the rapid development of cosmetics, the quantity and quality of basic cosmetic ingredients used has also increased. The world of medicine is increasingly focusing on cosmetology and creating mutually beneficial cooperation with cosmetic scientists or beauticians in terms of testing raw materials and preparation based on the concept of dermatology or health ¹⁴.

Similarly, the influence of cosmetics on the people of Bitung City varies depending on culture, environment, social values, and other factors. In general, many people consider cosmetics as a way to improve appearance and confidence. Cosmetics are makeup substances that have uses to increase one's confidence and improve the appearance or aroma of the human body. Where in general cosmetics are a mixture of various chemical compounds sourced from natural ingredients ¹⁵.

However, some people can also have negative perceptions towards cosmetics such as perceiving them as something unnatural or unhealthy. Some people feel that the use of cosmetics will only waste money without providing significant benefits. Recent trends in cosmetics also pay attention to factors such as sustainability and ethics, which can influence people's perception of a particular cosmetic brand. Many people are now looking for cosmetic brands that are eco-friendly, and their perception of cosmetics can be influenced by whether or not the cosmetic brand meets the desired criteria.

The perception of the people of Bitung City towards cosmetics that are not labeled halal and BPOM varies depending on their cultural and religious background. Some people may prefer cosmetics that have a halal label because they assume that the cosmetics are produced with halal ingredients and do not contain ingredients that are forbidden in Islam.

¹⁴ Retno Iswari, *Buku Pegangan Ilmu Pengetahuan Kosmetik*, n.d.

¹⁵ Helaluddin, "Mengenal Lebih Dekat Dengan Pendekatan Fenomenologi : Sebuah Penelitian Kualitatif" (n.d.): 1–15.

Meanwhile, BPOM labels that indicate that cosmetics have been approved by the Food and Drug supervisory agency can also be an important factor in public perception of cosmetics. Some people may have more confidence in cosmetic products that have been approved by the government agency because they consider that the products are safe and do not contain harmful ingredients.

However, some people in Bitung City do not mind the absence of halal labels or BPOM on cosmetic products used, especially if they prefer certain brands or cosmetic products because of the quality and price offered. Several cosmetic brands are circulating in Bitung City without halal labels and BPOM which have quality that is quickly applied to the face and also affordable prices and there are also unaffordable prices. So that people have an interest in these cosmetic products.

Although the cosmetic products used are not labeled halal and BPOM, the quality of the products provided is very good so several answers from the public say that the use of cosmetics that have been long enough and do not provide side effects that can damage the skin. So that this is a consideration for the public in the use of cosmetics not labeled halal and BPOM.

As for cosmetic brands that do not have a halal label and BPOM, this can be an obstacle in selling their products in more conservative markets or who prefer products with the halal label. Therefore, cosmetic brands can consider getting halal and BPOM certifications to improve public perception and increase sales of their products.

To maintain cosmetic safety, BPOM labels are also important in ensuring the safety and feasibility of cosmetics for use. From the perspective of muamalah fiqh, the use of cosmetics that are not approved by the Food and Drug Administration can be considered an act that endangers the health and safety of consumers. In other words, the existence of the BPOM label is to prevent the emergence of harm in terms of cosmetic use, which in the general rule is mentioned, *يُزَالُ الْأَضَرُّ*, the disaster is eliminated as much as possible¹⁶.

In Indonesia, the use of cosmetics is regulated by Law Number 36 of 2009 concerning Health and also Regulation of the Minister of Health Number 59 of 2014 concerning Cosmetics. Some of the things regulated in the regulation include:

1. Cosmetics must be registered with the Food and Drug Supervisory Agency (BPOM) and meet established safety and quality requirements.
2. The use of cosmetic ingredients prohibited by the government should not be used in the manufacture of cosmetics.
3. Cosmetics sold must have clear labels and complete information about the ingredients, how to use them, and expiration dates.
4. Cosmetics that contain hazardous ingredients or do not meet health and safety

¹⁶ Fatma Riska Fitrianiingsih Dai, Ramdhan Kasim, and Nurmin K Martam, "Perlindungan Hukum Bagi Konsumen Terhadap Peredaran Kosmetik Ilegal," in *SemanTECH (Seminar Nasional Teknologi, Sains Dan Humaniora)*, vol. 1, 2019, 311–316.

requirements may be withdrawn from circulation and manufacturers and distributors may be penalized.

5. Online sales of cosmetics must also meet the same requirements as offline sales.
6. The use of illegal cosmetics or cosmetics that are not registered with BPOM may be subject to administrative and/or criminal sanctions.

In this case, the Indonesian government strictly regulates the use of cosmetics to protect public health and safety and ensure cosmetic products sold are safe and of high quality. Therefore, people need to pay attention to the labels and information listed on cosmetic packaging before using them.

So it can be said that cosmetics are products or substances used to beautify and care for a person's appearance, especially on the face and skin. Cosmetic products include a wide range of products such as make-up, skincare, hair care, perfume, and so on. The main purpose of cosmetics is to improve appearance and care for beauty, but it can also be used to treat skin problems or other appearance problems. Cosmetic products are usually made from natural or synthetic ingredients and must be safe to use and have gone through rigorous testing and supervision before being sold to consumers.

2. Terms of Sale and Purchase in Islam

Buying and selling is an economic activity or transaction that involves the exchange of goods or services between sellers and buyers using money as a medium of exchange. In buying and selling, the seller provides the goods or services desired by the buyer and the buyer pays with money. Buying and selling can be done directly, for example through traditional markets or stores, or online media, such as e-commerce sites. Trading can also involve written or oral agreements, and there are various laws and regulations governing this activity to maintain fairness and security for both parties. Several principles in buying and selling must be considered, especially in the context of a good and fair business¹⁷. Some of these principles include:

- a. Fairness: Both parties must benefit from the trade, and neither party is harmed. Fairness also includes fairness in determining the price and value of goods or services to be traded.
- b. Transparency: The seller must provide clear and complete information about the goods or services sold, including the condition of the goods, prices, and payment terms. This is important so that the buyer can make the right decision and fully understand what he is buying.
- c. Social responsibility: Sellers and buyers must be socially responsible in such trades. This includes an obligation to comply with applicable laws and regulations, as well as to pay attention to the social and environmental impact of the business they do.

¹⁷ Dede Abdurrohman, Haris Maiza Putra, and Iwan Nurdin, "Tinjauan Fiqih Muamalah Terhadap Jual Beli Online," *Ecopreneur* 1 (2020): 35–48.

- d. Integrity: Both parties must behave with integrity in such trades. This includes not lying or deceiving, and not engaging in business practices that harm others.
- e. Compliance with laws and ethics: Buying and selling must be carried out under applicable laws and ethics, including Islamic law for those of the Muslim faith. This is important to maintain security and good and fair business continuity.

These principles are very important to be followed in buying and selling to ensure fairness, security, and good and fair business continuity for all parties involved¹⁸.

In Islam, buying and selling is a muamalah that is allowed and regulated in the teachings of Sharia. The law of buying and selling in Islam is divided into several categories, namely:

- a. Mubah: Buying and selling that is not regulated in Sharia law and there are no obstacles to Sharia to do. For example, buying and selling fruits.
- b. Sunnah: Buying and selling recommended by Islam. For example, buying groceries in bulk to give to people in need.
- c. Mandatory: Buying and selling that must be done by a Muslim. For example, buying clothes and food for daily needs.
- d. Haram: Buying and selling prohibited under Sharia law, such as buying and selling haram goods such as alcohol and drugs.
- e. Makruh: Buying and selling are frowned upon in Sharia law, but are still allowed if there is no alternative. For example, buying and selling goods that have usury value.

In buying and selling, several requirements must be met, including:

- a. Goods traded must be halal and do not contain elements of usury, gharar (uncertainty), or maisir (gambling).
- b. Payment must be made in cash or payment in a manner agreed by both parties and there is no delay in payment without a valid reason.
- c. Both parties must know each other the goods to be bought and sold and the agreed price.
- d. There is no fraud or coercion from both parties in buying and selling.

In Islam, buying and selling can be done with the concept of murabahah, which is the purchase of goods by the seller at a certain price and resold to the buyer at a higher price agreed in advance. In addition, there is also the concept of buying and selling greetings, which is the purchase of goods in the future at a price agreed in advance. These concepts conform to Islamic principles and can help avoid practices that are unfair or not beneficial to both parties.

3. Analysis of Jurisprudence Muamalah

Muamalah jurisprudence is part of other Islamic legal issues concerning the law of

¹⁸ Misbahul Ulum, "Prinsip-Prinsip Jual Beli Online Dalam Islam Dan Penerapannya Pada e-Commerce Islam Di Indonesia," *Jurnal Dinamika Ekonomi & Bisnis* 17, no. 1 (2020): 49–64.

worship, criminal law, judicial law, civil law, jihad law, war law, political law, and the law of the use of property. All forms of problems listed in our jurisprudence are questions that society asks, namely problems that grow during society that need legal answers. Then the scholars gave their opinions that did not deviate from Islamic sharia and were recorded based on the results of fatwas.

Etymologically or linguistically fiqh comes from the word faqiha which means understanding and from seti terminology or the term fiqh is the science related to the laws of amaliah shari'a. While the word muamalah comes from the word 'amila which means to do or act. So muamalah is a relationship between humans and other humans based on interests.

The muamalah jurisprudence seen from a modern or contemporary understanding has a special meaning, which is narrower when compared to muamalah as part of the grouping of Islamic law by classical scholars (worship and muamalah). Muamalah jurisprudence is a rule whose rules relate to property or what is commonly referred to by positive jurists by the name of private law. In addition, there are several views on muamalah jurisprudence, namely according to Hudhari Beik, which states that muamalah is all a contract that allows sailing humans to exchange their benefits. And according to Idris Ahmad, muamalah is the rules of Allah that govern human relations with humans in their efforts to obtain the tools of jamaniiyah needs in a good way. And according to Rashid Ridha, muamalah is the exchange of goods or something useful in predetermined ways ¹⁹.

In muamalah fiqh, there are several principles in various transactions, including the first principle a principle that states all forms of muamalah can be unless there is a reason that forbids it. According to Jamal al-din Athiyah ²⁰

- a. Deciding the permissibility of muamalah does not require the basis of Sharia law because the law is permissible.
- b. The textual provisions of the Qur'an and the Sunnah against muamalah are not intended as a barrier to creating new forms of muamalah that are not found in the Qur'an and Sunnah.
- c. Creating or determining the permissibility of a new muamalah does not require analogy with the Islamic legal opinion resulting from ijtihaad, including no merging of several opinions is required but has several provisions that must be considered regarding the new muamalah that does not violate the nash that forbids both the nash of the Qur'an and the Sunnah.
- d. So the new muamalah is to research and find the nash-nash that forbids it, not the nash that allows it.

The second principle is that muamalah is carried out based on consideration of

¹⁹ Saiful Jazil, "Fiqh Muamalah.Pdf," 2014.

²⁰ Zhafran Mahardika Pratama, "Hukum Islam Tentang Jual Beli Handbody Tanpa Label BPOM," *Alqan* 8, no. 5 (2019): 55.

bringing benefits and avoiding mudharat or called mashalah (mashlahatan). In this principle, all forms of muamalah that cause damage and disrupt people's lives are not justified in Islam.

The last principle or third principle states that the basic law of muamalah requirements is lawful. In this principle, it gives Muslims the freedom to develop every muamalah model seen from several things, namely the contract, product, and transaction, and pay attention not to let the muamalah done can cause harm to one party. The last principle is that muamalah is carried out by maintaining the values of justice and avoiding the element of tyranny.

In addition to the above principles, several main principles must be considered in the life of muamalah, including avoiding gharar in transactions and obscurity that can trigger disputes and quarrels.

To strengthen and ensure the use of goods that are guaranteed halal, it is necessary for the sake of protection for Muslim consumer that is required for producers to include halal labels. A halal label or certificate is a written fatwa issued by the Indonesian Ulema Council (MUI) stating that a product is halal according to Islamic law. A halal certificate is a certificate that authorizes the competent authority to add a halal label on product packaging. Halal products refer to products that meet halal requirements according to Islamic law, namely²¹:

- a. Does not contain pork or pork-derived ingredients,
- b. Does not contain Haram ingredients (blood, feces, etc.)
- c. All materials obtained from halal animals slaughtered according to Islamic Shari'a,
- d. All foods and drinks that do not contain Khamr.

Consumable halal products are a mandatory requirement for Muslim consumers. As the number of Muslims in Indonesia increases, the Muslim consumer market automatically becomes a Muslim consumer market. However, products with halal labels and products without halal labels that are halal products are questionable, so the decision to buy products with halal labels or not is entirely in the hands of consumers²²

Cosmetic products that meet the requirements are said to be halal under Islamic sharia, namely products that do not contain pork or products that do not come directly from pigs and do not add alcohol and the like to intentional product ingredients. Halal in Islam means permissible. This sentence refers to everything worthy and therefore permissible. Cosmetic products are not eaten and enter the body. Therefore, cosmetics are usually associated with things that are sacred or unholy. A product can be said to be Haram if the

²¹ Reni Kumalasari, "Pengaruh Harga Dan Label Halal Terhadap Minat Pembelian Produk Kosmetik Herbal Penawar Al Wahida Indonesia (HPAI)," *Progress in Retinal and Eye Research* 561, no. 3 (2019): S2–S3.

²² Rina Mariana, Umi Hani, and Rahmatul Huda, "Perspektif Hukum Ekonomi Syariah Terhadap Produk Yang Tidak Memiliki Label Halal," *Doctoral dissertation: Universitas Islam Kalimantan MAB* (2020).

cosmetic product contains impure ingredients. Halal or haram cosmetics have different ingredients, while some cosmetics should not contain animal feces, such as pigs, wild animals, carrion, human body parts, blood, alcohol, and halal animals. Like cows slaughtered in a non-sharia manner, it also has animal derivatives (collagen) or body parts in humans, such as placentas.

The provisions for consuming and using materials and objects that are halal are contained in Q.S An-Nahl verse 114 namely Allah Almighty says:

تَعْبُدُونَ إِيَّاهُ كُنْتُمْ إِنْ اللَّهُ نِعْمَتٌ وَاشْكُرُوا طَيِّبًا حَلَالًا اللَّهُ رَزَقَكُمْ مِمَّا فَكُلُوا

It translates: "So eat the lawful and the sustenance that Allah has given you, and be grateful for the blessings of Allah, if you worship only him."

The above verse has the provisions of Islamic law by commanding mankind to consume halal food. When viewed in the current context, the verse has a range of meanings not only in food, but includes other products that can be consumed by humans and include cosmetics.

The Indonesian Ulema Council (MUI) in Indonesia in law is an institution that is given the authority to determine fatwas related to the halal standards of a cosmetic product and its use by considering that cosmetics applied or used by the community have ingredients that have halal and holy status. So that the provisions of halal standards for cosmetic products are needed to be a guideline in their use and the need for halal labeling for each product to ensure halal. Labeling is a process of labeling in packaging that functions as a sign so that it can protect consumers through accurate information listed on the product ²³.

So that the perspective of muamalah jurisprudence on the sale or distribution of cosmetics is the same as consumer protection laws regulated by the state. This is the same as the sources of Islamic law recognized by most scholars, namely the Qur'an, sunnah, ijma and qiyas. Consumer protection law in Islam is based on the concepts of halal and haram and takes into account the values and principles of muamalah. As for cosmetics, namely the protection of substances, production processes, distribution, production objectives to the consequences of consuming these products so that the provisions of the syara are observed so as not to violate these provisions. And Fiqh scholars agree on the validity of buying and selling based on pleasure between parties who make contracts, the compatibility of ijab and qobul and are in the same place. If the trade is not suitable then it is not valid. Likewise, with cosmetic products, if the seller deliberately sells something that has mudharat then it is not allowed in Islam because it can be dangerous for consumers who use it. Buying and selling cosmetics is basically buying and selling that is gharar or unclear if there is no label and

²³ Dina Dianti and Witri Cahyati, "Persepsi Masyarakat Pada Program Studi Ilmu Komunikasi," *Buana Komunikasi (Jurnal Penelitian dan Studi Ilmu Komunikasi)* 2, no. 2 (January 2022): 116–129.

B POM on the packaging because it is feared that in the product there is a mixture of harmful ingredients produced with cheap ingredients. So that the side effects of using cosmetics not labeled halal have a high identification of losses for buyers ²⁴.

In buying and selling cosmetics, muamalah jurisprudence regulates several things as follows:

a. Principles of buying and selling

In muamalah jurisprudence, there are several basic principles of buying and selling that must be met, namely the existence of transacting parties (buying and selling), the existence of goods traded, the existence of price agreements and conditions of sale and purchase, and the existence of a valid sale and purchase contract.

b. Goods sold must be clear and halal

In buying and selling cosmetics, the goods sold must be clear and halal. A clear item means that the cosmetic has a complete description of the ingredients and how to use it. While halal goods mean that they do not contain haram or non-halal ingredients.

c. Reasonable price quote

In buying and selling cosmetics, the price offered must be reasonable and not harm either party. A reasonable price can be determined by looking at the market price of similar cosmetics and the quality offered.

d. There should be no element of deception or usury

In buying and selling cosmetics, there must be no element of fraud or usury. Fraud can occur if the seller does not provide clear information about the ingredients or side effects of the cosmetics sold. While riba can occur if the seller gives a price that is too high or provides installment facilities with high interest.

In the practice of buying and selling cosmetics that occur in Bitung City, sellers and buyers need to understand the principles of buying and selling regulated in muamalah jurisprudence. This aims to ensure that cosmetic buying and selling transactions are carried out in a way that is under the perspective of muamalah jurisprudence. The use of cosmetics that are not labeled halal can be a matter of Islamic law that needs attention, which must pay attention to the applicable Sharia principles. In this case, the absence of halal labels on cosmetics can cause uncertainty in determining the halal ingredients used in these cosmetic products. And that has implications for the law on buying and selling cosmetics that are not labeled halal;

Cosmetics that are not labeled halal are categorized as cosmetics that are syubhat or doubt their legal status. In the dubious Islamic legal provisions it is called syubhat, the legal provisions of syubhat are the third legal provisions and the two main legal provisions, halal and haram. This is explained in the hadith of the Prophet: Halal is clear, and haram is also clear. Between the two some things are not clear (syubhat) that are not known by many

²⁴ Maulidar Ayu, "Tinjauan Fiqh Muamalah Dan Fatwa Mui Nomor 26/2013 Terhadap Peredaran Kosmetik Berbahaya Bagi Konsumen (Studi Kasus Di Pasar Lhoksukon)" (2021).

people. Whoever fears or shuns the things of Shubhat has sought religious cleanliness and self-respect. And whoever falls into obscure things (Shubhat), then he has fallen into the haram thing. (Narrated by al-Bukhari and Muslim)

Doubts arise as to why something is lawful or forbidden. While mixing can occur if something haram mixes with something halal, making it difficult to distinguish between the two. And if there is a mixture between halal and haram, then the haram will win as explained by the rules of jurisprudence²⁵. However, syubhat is still included in matters that are still in the realm of uncertainty between halal or haram. It cannot be said to be halal, because it smells haram. But it cannot also be called haram, because it is vague or there is no evidence for prohibition. Therefore, buying and selling cosmetics that are not halal is also categorized as buying and selling that is syubhat or buying and selling that is dubious.

The principle in buying and selling in Islamic sharia is certainty, that is, the goods must be known by the seller and buyer with the light of their substance, shape, content, and properties so that no deception occurs²⁶. If the sale of cosmetics in the city of Bitung is categorized as dubious buying and selling, then in Muamalah jurisprudence this sale and purchase is included in the category of buying and selling gharar, according to the language is vague or unclear, according to the term is buying and selling which is not necessarily the price, apparently, time, and place. Gharar in buying and selling non-halal cosmetics in Bitung lies in the uncertainty of the content of the cosmetics sold, whether it can be ascertained to be sourced from halal ingredients or mixed with haram ingredients.

Scholars are unanimous in saying that buying and selling gharar is an illegal sale, based on the hadith of the Holy Prophet (peace be upon him): "Sourced from Abi Hurairah: "Verily the Prophet (peace be upon him) forbade buying and selling by throwing stones and buying and selling gharar". (HR. Jama'ah except Imam Bukhari) with Islamic principles and safeguarding the interests of both parties.

CONCLUSION

Cosmetics are products or substances used to beautify and care for a person's appearance, especially on the face and skin. The use of cosmetics in Indonesia is regulated by Law Number 36 of 2009 concerning Health and Regulation of the Minister of Health Number 59 of 2014 concerning Cosmetics. Muamalah jurisprudence regulates several basic principles of buying and selling cosmetics, namely the existence of parties who transact (buying and selling), the existence of goods traded, the existence of price agreements and conditions of sale and purchase, and the existence of a valid sale and purchase contract. The goods sold must be clear and halal, the price offered must be reasonable and not harm

²⁵ Faisal and Ilham, "Profit: Jurnal Kajian Ekonomi Dan Perbankan <https://Ejournal.Unuja.Ac.Id/Index.Php/Profit>" 2, no. 2 (2021): 18–32.

²⁶ Densi Yana, Bahrul Ma'ani, and Pidayan Sasnifa, "Tinjauan Hukum Islam Terhadap Praktek Jual Beli Laptop Bekas Di Toko Komputer Babe Kota Jambi" (SULTHAN THAHA SAIFUDDIN JAMBI, 2019).

either party, and there must be no element of fraud or usury in buying and selling cosmetics.

If the sale and purchase of cosmetics meet the conditions that have been set, then the sale and purchase transaction is legal and permissible in Islam. However, if the goods sold contain haram or dubious ingredients, or the price offered is dishonest or there are elements of fraud or usury, then the sale and purchase is considered illegal in Islam. Buying and selling cosmetics in Bitung City is included in the category of buying and selling syubhat because it is based on the law of cosmetics that are not labeled halal categorized as syubhat cosmetics as well. Buying and selling goods that are syubhat is included in the category of buying and selling gharar, in this case cosmetics that are not labeled halal in Bitung City cannot be ascertained to be halal overall ingredients. .

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