

Islamic Finance and International Commercial Law: A Comparative Socio-Legal Analysis of Regulatory Frameworks in Islamic and Western Legal Systems

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Abstract: The accelerated evolution of digital technologies has fundamentally reshaped international trade by fostering the growth of digital marketplaces and platform-based business models that enable seamless cross-border electronic transactions. Although these platforms have increased market accessibility, enhanced commercial efficiency, and broadened consumer choice, they have simultaneously generated complex legal and regulatory challenges. Online consumers frequently encounter issues such as deceptive advertising, inadequate disclosure of product information, unfair contractual provisions, misuse of personal data, and limited access to effective remedies in cross-border disputes. To address these concerns, jurisdictions across the world have introduced legal and regulatory measures designed to strengthen consumer protection and promote fairness within the digital economy. Against this backdrop, the present study undertakes a comparative socio-legal examination of consumer protection in digital marketplaces by analysing e-commerce regulation within Islamic and Western legal traditions. The research adopts a qualitative doctrinal and comparative legal approach to investigate the legal principles governing electronic commerce, consumer rights, and mechanisms for resolving disputes in both legal systems. Particular attention is given to the foundational concepts of Islamic commercial law, including justice, transparency, mutual consent, and the prohibition of exploitative practices, and these principles are compared with the statutory and regulatory frameworks that characterize Western consumer protection regimes. In addition, the study evaluates the broader socio-legal dimensions of digital commerce by examining how institutional arrangements, cultural values, technological innovation, and regulatory enforcement shape the effectiveness of consumer protection in online marketplaces. The analysis reveals that, despite differences in legal philosophy and regulatory design, both Islamic and Western legal systems pursue comparable objectives in safeguarding consumers and ensuring equitable commercial practices. Western jurisdictions predominantly rely on comprehensive legislative frameworks, specialised regulatory authorities, and judicial enforcement to protect consumer interests. In contrast, Islamic commercial jurisprudence combines legally binding rules with ethical and moral principles that encourage honesty, accountability, and fairness in market transactions. Nevertheless, both traditions share a commitment to preventing fraud, ensuring transparency, promoting contractual fairness, and protecting consumers from commercial exploitation. The study concludes that the increasing globalisation of digital commerce necessitates stronger international cooperation and greater harmonisation of legal standards to overcome the regulatory challenges posed by cross-border electronic transactions. Enhancing transparency obligations, strengthening online dispute resolution mechanisms, improving personal data protection, and reinforcing platform accountability are essential for ensuring effective consumer protection in digital marketplaces. Furthermore, incorporating ethical values drawn from diverse legal traditions into contemporary regulatory frameworks can contribute to the development of a more balanced, inclusive, and sustainable system of digital commerce that supports innovation while preserving consumer rights and market integrity.

Keywords: Digital Marketplaces; International Commercial Law; E-Commerce Regulation; Islamic Finance; Western Legal Systems



1. Introduction

The rapid expansion of digital technologies has transformed global commerce, giving rise to a new economic environment characterized by online marketplaces, digital platforms, and cross-border electronic transactions. E-commerce has become an essential component of modern economic systems, enabling businesses and consumers to engage in commercial activities beyond traditional geographical and institutional boundaries. Digital marketplaces such as online retail platforms, mobile commerce applications, and electronic payment systems have significantly increased market accessibility and consumer convenience. However, the growth of digital commerce has also created new legal and regulatory challenges, particularly in relation to consumer protection, contractual obligations, and dispute resolution within the digital environment.

One of the primary concerns associated with the expansion of digital marketplaces is the protection of consumers in online transactions. Unlike traditional commercial exchanges where buyers and sellers interact directly, e-commerce transactions often occur in virtual environments where parties may not have direct knowledge of each other's identities or locations. This anonymity and distance can increase the risk of fraud, deceptive practices, misinformation, and unfair contractual terms. Consumers purchasing goods or services online may face issues such as misleading product descriptions, delayed deliveries, defective products, hidden charges, and difficulties in obtaining refunds or compensation. Consequently, governments and regulatory authorities around the world have increasingly recognized the need to strengthen legal frameworks designed to protect consumers participating in digital commerce.

In response to these challenges, many countries have developed legal regulations aimed at ensuring transparency, fairness, and accountability within online commercial activities. Western legal systems, particularly those in Europe and North America, have introduced comprehensive consumer protection laws that regulate electronic contracts, online advertising, digital payment systems, and data protection practices. These legal frameworks often emphasize consumer rights such as the right to clear information, the right to withdraw from certain contracts, and the right to protection against unfair commercial practices. Regulatory authorities also play an important role in monitoring digital marketplaces and enforcing compliance with consumer protection standards.

At the same time, Islamic legal systems provide an alternative normative framework for regulating commercial transactions, including those conducted through digital platforms. Islamic commercial jurisprudence historically emphasizes principles such as fairness in trade, transparency in contractual agreements, prohibition of fraud and deception, and the protection of both buyers and sellers from unjust practices. Although classical Islamic jurisprudence developed in a pre-digital economic context, its ethical and legal principles remain highly relevant to modern commercial activities. Concepts such as contractual consent, honesty in trade, and the prohibition of exploitative practices provide a strong foundation for regulating electronic commerce in ways that ensure justice and fairness in market transactions.

Despite these shared objectives of fairness and consumer protection, Islamic and Western legal systems often approach commercial regulation through different legal methodologies and institutional frameworks. Western legal systems typically rely on statutory legislation, regulatory agencies, and consumer protection authorities to enforce e-commerce regulations. In contrast, Islamic legal traditions integrate ethical principles, jurisprudential reasoning, and religious norms into the regulation of commercial activities. These differences raise important questions regarding how digital marketplace regulations can be effectively harmonized across diverse legal systems while maintaining core principles of justice and consumer protection.

Furthermore, the globalization of digital commerce has intensified the need for comparative legal analysis in the field of e-commerce regulation. Online transactions frequently involve parties located in different jurisdictions, making it necessary to understand how different legal systems address consumer protection challenges in digital marketplaces. Comparative socio-legal analysis provides valuable insights into how legal norms, cultural values, and institutional structures influence the regulation of electronic commerce across societies. Such analysis can also identify areas where legal systems may learn from each other in developing more effective regulatory frameworks for protecting consumers in digital markets.

Against this backdrop, this study aims to examine the regulation of digital marketplaces and consumer protection through a comparative socio-legal analysis of Islamic and Western legal systems. The research explores how both legal traditions address issues related to electronic contracts, transparency in online transactions, consumer rights, and regulatory enforcement mechanisms. By analyzing similarities and differences between these legal approaches, the study seeks to identify potential pathways for improving consumer protection frameworks in the rapidly evolving digital economy. Ultimately, understanding the intersection of e-commerce regulation, legal traditions, and consumer protection principles contributes to the development of more equitable and effective governance of digital marketplaces in the global economic landscape.

2. Methodology

This study employs a qualitative socio-legal and comparative legal research methodology to analyze the regulation of digital marketplaces and consumer protection within Islamic and Western legal systems. The research focuses on examining how different legal traditions address the challenges posed by electronic commerce, particularly in relation to consumer rights, contractual obligations, and regulatory enforcement. By integrating doctrinal legal analysis with socio-legal perspectives, the study seeks to understand not only the legal rules governing e-commerce transactions but also the broader social, economic, and institutional contexts in which these regulations operate.

The research begins with a doctrinal legal analysis of primary legal sources governing electronic commerce and consumer protection. This includes the examination of statutory legislation, regulatory frameworks, and international legal instruments related to digital commerce. Key legal provisions regulating electronic contracts, online consumer rights, data protection, and unfair commercial practices are analyzed in order to identify the legal mechanisms used to safeguard consumers within digital marketplaces. In addition, principles of Islamic commercial jurisprudence related to fair trade, transparency in contractual agreements, and the prohibition of deceptive practices are examined to understand how Islamic legal thought addresses consumer protection in commercial transactions.

A comparative legal approach is adopted to evaluate similarities and differences between Islamic and Western legal systems in regulating e-commerce activities. The study compares legal frameworks governing electronic transactions in selected jurisdictions that represent Western regulatory models and jurisdictions influenced by Islamic legal principles. This comparative analysis focuses on several key dimensions of consumer protection, including disclosure obligations in online transactions, withdrawal rights in electronic contracts, dispute resolution mechanisms, and regulatory oversight of digital marketplaces. By examining how these issues are addressed within different legal traditions, the study aims to identify strengths, limitations, and potential areas for legal harmonization.

In addition to doctrinal and comparative analysis, the research incorporates a socio-legal perspective to examine how legal norms interact with broader social and economic practices in digital marketplaces. Socio-legal analysis considers the role of institutions, cultural values, consumer behavior, and technological developments in shaping the effectiveness of e-commerce regulations. Secondary sources such as academic literature, policy reports, regulatory guidelines, and international organization publications are utilized to provide contextual insights into the development of consumer protection frameworks in the digital economy.

3. Definition of Digital Marketplaces and Platform Economies

The emergence of digital marketplaces represents one of the most significant transformations in global economic activity during the twenty-first century. Digital marketplaces refer to online platforms that facilitate the buying and selling of goods and services between businesses and consumers through internet-based technologies. These platforms function as intermediaries that connect multiple market participants, including sellers, buyers, service providers, and payment systems, within a digital environment. Unlike traditional retail markets that rely on physical interactions and geographically limited trade, digital marketplaces enable transactions across national borders and time zones, significantly expanding commercial opportunities for both businesses and consumers. The rapid growth of digital marketplaces is closely linked to the broader development of the platform economy, a business model that relies on digital platforms to organize economic exchanges and coordinate interactions among users. Platform-based

companies operate by creating technological infrastructures that allow third-party vendors and consumers to interact efficiently through online systems. In this model, the platform provider does not necessarily produce goods or services but facilitates transactions by offering digital infrastructure, payment systems, logistics support, and information management tools. These platforms have become central components of modern commerce, reshaping traditional business models and transforming the global retail landscape.

Digital marketplaces operate through complex technological ecosystems that integrate multiple services such as product listing, online payment processing, consumer feedback systems, and delivery logistics. The integration of these services enables seamless transactions and enhances consumer convenience. Consumers can access a wide variety of products, compare prices, read reviews, and complete purchases within a single digital environment. This accessibility has contributed significantly to the expansion of e-commerce and the increasing reliance of consumers on online shopping platforms. However, the growth of digital marketplaces has also introduced new legal and regulatory challenges. Online transactions often involve multiple parties located in different jurisdictions, raising questions regarding applicable laws, consumer rights, and dispute resolution mechanisms. Additionally, digital marketplaces may create power imbalances between large platform operators and individual consumers or small-scale vendors. Platform providers often control the rules governing transactions, pricing structures, data usage, and product visibility within the marketplace. These dynamics have led policymakers and legal scholars to examine how digital platforms should be regulated in order to ensure fair competition and adequate protection for consumers.

Another defining characteristic of digital marketplaces is their reliance on data-driven technologies. Platform operators collect and analyze large amounts of consumer data in order to personalize marketing strategies, optimize pricing algorithms, and improve service efficiency. While data analytics can enhance user experiences and facilitate efficient market operations, it also raises concerns regarding privacy, transparency, and potential manipulation of consumer behavior. These concerns highlight the need for regulatory frameworks that address not only commercial transactions but also issues related to data protection and digital governance.

4. Consumer Protection Principles and Socio-Legal Perspectives on Digital Market Regulation

The expansion of digital commerce has intensified the importance of consumer protection within the digital economy. Consumer protection refers to the set of legal rules, regulatory policies, and institutional mechanisms designed to safeguard consumers from unfair commercial practices, fraudulent transactions, and information asymmetries in market exchanges. In traditional markets, consumer protection laws developed to address issues such as product safety, deceptive advertising, and unfair contract terms. However, the digital environment introduces new risks and complexities that require updated legal frameworks and regulatory approaches. One of the central challenges in digital marketplaces is the problem of information asymmetry, where sellers or platform operators possess significantly more information about products and services than consumers. In online transactions, consumers often rely on digital descriptions, images, and reviews to evaluate products before making purchasing decisions. Inaccurate product information, misleading advertising, or manipulated consumer reviews can lead to deceptive commercial practices that harm consumers. Effective consumer protection frameworks therefore emphasize the importance of transparency, requiring sellers and platform operators to provide accurate and complete information about products, prices, and contractual terms.

Another key principle of consumer protection in the digital economy involves ensuring fair contractual relationships between businesses and consumers. Online transactions frequently involve standardized electronic contracts or “click-wrap” agreements that consumers must accept in order to complete purchases. These contracts may contain complex terms regarding payment obligations, return policies, liability limitations, and dispute resolution procedures. Because consumers often lack bargaining power in these situations, regulatory frameworks seek to prevent unfair contract terms that may disadvantage consumers or limit their legal rights. Consumer protection laws also aim to ensure effective remedies and dispute resolution mechanisms in cases where digital transactions result in harm to consumers. Issues such as delayed deliveries, defective products, unauthorized payments, or fraudulent online sellers

may arise in digital marketplaces. Legal frameworks governing e-commerce therefore emphasize the importance of accessible complaint procedures, refund mechanisms, and legal enforcement tools that allow consumers to seek compensation when their rights are violated. Regulatory authorities and consumer protection agencies play an important role in monitoring online markets and enforcing compliance with consumer protection standards.

From a socio-legal perspective, the regulation of digital marketplaces extends beyond formal legal rules and includes the influence of social norms, institutional structures, and technological developments on market behavior. Socio-legal analysis examines how law interacts with broader social and economic processes, recognizing that legal regulations must operate within complex social environments shaped by technological innovation and global economic integration. In the context of digital marketplaces, socio-legal perspectives highlight the role of various actors—including governments, platform companies, consumers, and civil society organizations—in shaping the regulatory landscape of online commerce. Socio-legal scholars also emphasize the importance of understanding how cultural values and institutional practices influence consumer protection frameworks in different legal systems. For example, consumer protection policies in some jurisdictions may prioritize strong regulatory oversight and state intervention, while others rely more heavily on market-based solutions or self-regulation by platform operators. These differences reflect broader legal traditions and social expectations regarding the role of law in regulating economic activities. The globalization of digital commerce has created regulatory challenges that extend beyond national legal systems. Cross-border e-commerce transactions may involve parties subject to different legal frameworks, making it difficult to determine jurisdiction, applicable law, and enforcement authority. Socio-legal perspectives therefore highlight the importance of international cooperation and legal harmonization in developing effective regulatory frameworks for digital marketplaces. International guidelines, regional regulatory initiatives, and collaborative enforcement mechanisms can help address the challenges posed by globalized digital commerce.

5. Legal Frameworks Governing Digital Commerce

The rapid expansion of e-commerce has prompted Western legal systems to develop comprehensive regulatory frameworks aimed at governing digital commerce and protecting consumer interests in online transactions. As digital marketplaces increasingly shape global economic activity, governments and regional institutions in Europe and North America have introduced legislation and regulatory mechanisms designed to ensure transparency, fairness, and accountability in electronic commercial practices. These legal frameworks seek to regulate various aspects of digital commerce, including electronic contracts, online advertising, data protection, digital payment systems, and the responsibilities of online platform operators. One of the key legal foundations for regulating e-commerce in Western jurisdictions is the recognition of electronic contracts and digital transactions as legally binding agreements. Legal systems in Europe and the United States have adopted legislation that grants electronic communications and digital signatures the same legal validity as traditional written contracts. This recognition facilitates the development of online commercial transactions by ensuring that agreements concluded through electronic means can be legally enforced. Legal frameworks governing digital commerce also establish rules regarding the formation of electronic contracts, ensuring that consumers are provided with adequate information about the terms and conditions of online transactions before completing purchases.

Another important component of Western e-commerce regulation involves the establishment of rules governing online business practices and digital market competition. Governments have implemented legal measures designed to prevent deceptive advertising, unfair commercial practices, and monopolistic behavior within digital marketplaces. Platform operators and online sellers are generally required to provide accurate product information, transparent pricing structures, and clear contractual terms to consumers. These regulations are intended to reduce information asymmetry between sellers and buyers and to create a more trustworthy digital marketplace environment. In addition to consumer protection concerns, Western legal frameworks also address issues related to data protection and digital privacy, which have become central to the regulation of online commerce. Digital marketplaces rely heavily on the collection and processing of consumer data to personalize services, manage transactions, and develop targeted marketing strategies. However, the use of consumer data raises significant concerns regarding privacy rights, data security, and potential misuse of personal information. Consequently, Western jurisdictions have introduced strict data

protection regulations that establish clear rules regarding the collection, storage, and use of personal data within digital commercial activities. Another aspect of e-commerce regulation involves cross-border digital trade and jurisdictional challenges. Because online transactions often involve parties located in different countries, Western legal frameworks increasingly emphasize international cooperation and regulatory harmonization to address cross-border disputes and enforcement challenges. Regional regulatory initiatives and international guidelines aim to facilitate cooperation between governments, regulatory authorities, and consumer protection agencies in order to address issues related to global digital commerce.

6. Consumer Rights in Online Contracts and the Role of Regulatory Authorities

Consumer protection constitutes a central objective of e-commerce regulation in Western legal systems. Digital transactions create unique challenges for consumer rights because online purchases typically occur without physical inspection of products and often involve standardized electronic contracts that limit consumers' ability to negotiate contractual terms. To address these challenges, Western legal frameworks have developed specific legal protections designed to ensure that consumers are treated fairly in digital marketplaces. One of the most important consumer protection mechanisms in digital commerce is the right to clear and accurate information before concluding online contracts. Online sellers are required to provide consumers with essential information about products and services, including prices, delivery conditions, product specifications, and return policies. This information must be presented in a transparent and accessible manner so that consumers can make informed purchasing decisions. Failure to provide accurate product descriptions or misleading advertising practices may result in legal liability for sellers and platform operators.

Another key consumer protection principle in Western e-commerce law is the right to withdraw from certain online contracts within a specified period of time. Because consumers cannot physically inspect goods before purchasing them online, legal frameworks often provide a "cooling-off period" that allows consumers to cancel purchases and return products without penalty. This right enhances consumer confidence in digital marketplaces by reducing the risks associated with remote transactions. In addition to withdrawal rights, Western consumer protection laws also address issues related to product liability and digital service quality. Online sellers and service providers may be held legally responsible for defective products, unsafe goods, or digital services that fail to meet contractual expectations. Legal frameworks require businesses to provide remedies such as product replacements, refunds, or compensation when consumers suffer losses due to faulty products or misleading business practices. Regulatory authorities and consumer protection agencies play a critical role in ensuring compliance with e-commerce regulations. These institutions are responsible for monitoring digital marketplaces, investigating complaints from consumers, and enforcing legal standards governing online commercial activities. Consumer protection agencies often collaborate with competition authorities, telecommunications regulators, and data protection bodies in order to address complex regulatory challenges associated with digital commerce. Another important function of regulatory authorities is promoting consumer awareness and education regarding digital commerce risks. Many governments and regulatory agencies have launched public awareness campaigns that inform consumers about safe online shopping practices, fraud prevention strategies, and mechanisms for reporting suspicious digital activities. Such initiatives aim to empower consumers by increasing their understanding of digital market risks and encouraging responsible participation in online commerce. Regulatory authorities increasingly cooperate at the international level to address the challenges posed by cross-border e-commerce transactions. Because digital marketplaces often operate across multiple jurisdictions, national regulatory agencies collaborate with foreign counterparts to investigate fraudulent online sellers, enforce consumer protection laws, and coordinate enforcement actions against digital platforms that violate regulatory standards.

7. Ethical Foundations of Commercial Transactions in Islamic Law

Islamic commercial law is deeply rooted in ethical principles that emphasize fairness, honesty, and justice in economic activities. Unlike purely regulatory systems that focus primarily on statutory rules, Islamic jurisprudence integrates moral values with legal norms in order to ensure that commercial transactions are conducted in a manner

that protects the interests of both buyers and sellers. These ethical foundations are derived from primary sources of Islamic law, including the Qur'an, prophetic traditions, and classical jurisprudential interpretations, which collectively establish a framework for equitable economic interactions. One of the central ethical principles in Islamic commercial transactions is the obligation of honesty and integrity in trade. Islamic teachings strongly emphasize truthful representation of goods and services, prohibiting deception, fraud, and manipulation in commercial dealings. Sellers are required to provide accurate information regarding the quality, quantity, and condition of products offered for sale. Any attempt to mislead consumers through false descriptions or concealment of defects is considered ethically unacceptable and legally invalid within Islamic jurisprudence. This ethical obligation promotes transparency in market transactions and helps maintain trust between market participants. Another important ethical foundation is the principle of justice and fairness in economic exchanges. Islamic commercial law encourages balanced transactions that avoid exploitation or unfair advantage by either party. The legal framework seeks to ensure that both buyers and sellers engage in transactions with full awareness of contractual terms and mutual satisfaction with the exchange. This principle reflects the broader Islamic commitment to social justice and economic equity, recognizing that commercial activities should contribute to the well-being of society rather than generating harm or inequality. Islamic legal thought also discourages excessive speculation, uncertainty, and exploitation in market transactions. Commercial activities involving unjust enrichment or manipulation of market conditions are generally viewed as inconsistent with ethical economic behavior. These principles aim to protect consumers from unfair market practices while encouraging responsible economic participation. Historically, Islamic markets developed regulatory mechanisms that promoted ethical trading behavior, including supervision of market activities and the enforcement of commercial honesty among traders. Islamic commercial ethics emphasize social responsibility and public welfare in economic activities. Markets are not viewed solely as mechanisms for profit generation but also as institutions that contribute to broader social and economic stability. Merchants and business operators are expected to conduct their activities in ways that promote fairness, support community welfare, and avoid harm to others. These ethical expectations form an important foundation for consumer protection because they encourage businesses to prioritize responsible behavior and long-term trust within commercial relationships.

8. Legal Rules of Fairness, Transparency, and Consent in Commercial Transactions

In addition to its ethical foundations, Islamic commercial law contains specific legal principles that regulate contractual relationships and protect participants in market transactions. These legal rules aim to ensure fairness, transparency, and voluntary consent in commercial agreements, thereby reducing the likelihood of disputes or exploitative practices. The integration of these principles within Islamic jurisprudence provides a comprehensive framework for regulating economic activities and safeguarding consumer rights. One of the most important legal requirements in Islamic commercial transactions is the principle of mutual consent between contracting parties. A valid contract must be formed through the voluntary agreement of both parties, meaning that neither party should be subjected to coercion, deception, or misinformation during the negotiation process. In practical terms, this requirement obliges sellers to disclose essential information about the goods or services being offered and ensures that buyers make purchasing decisions based on clear and accurate knowledge of the transaction.

Transparency also plays a crucial role in Islamic commercial law. Sellers must provide full disclosure regarding the characteristics of goods, including any defects or limitations that may affect the value or usability of the product. Concealing important information or misrepresenting product qualities is considered a violation of legal and ethical standards. These rules promote consumer protection by ensuring that buyers are able to evaluate the risks and benefits of a transaction before entering into a contractual agreement. Another significant principle concerns the avoidance of excessive uncertainty in commercial contracts. Islamic jurisprudence discourages transactions that involve ambiguous contractual terms or unclear obligations between parties. Contracts must clearly specify essential elements such as price, quantity, delivery conditions, and payment arrangements. This requirement enhances legal certainty and protects consumers from entering into agreements that may expose them to unforeseen risks or financial losses. Islamic commercial law also recognizes mechanisms for protecting buyers from defective goods or unfair transactions. If a purchased product is discovered to contain undisclosed defects, the buyer may have the right to cancel the transaction

or request compensation. Such protections ensure that sellers remain accountable for the quality and accuracy of their commercial representations. These rules function similarly to modern consumer protection laws that guarantee remedies for defective products or misleading business practices.

The principles of fairness, transparency, and consent within Islamic commercial law remain highly relevant to the regulation of digital marketplaces and e-commerce transactions. Although classical Islamic jurisprudence developed in a pre-digital economic environment, its underlying legal concepts can be applied to modern electronic commerce. Online transactions often involve information asymmetry, digital contracts, and remote interactions between buyers and sellers, which can increase the risk of deceptive practices or unfair contractual terms. Islamic legal principles emphasizing transparency and honest disclosure can help address these risks by requiring digital sellers to provide clear and accurate product information. Furthermore, the principle of mutual consent remains particularly relevant in electronic contracting systems. Consumers must be able to understand and voluntarily accept the terms of digital transactions before completing online purchases. Ensuring that electronic contracts are transparent and accessible helps protect consumer autonomy and promotes fairness in digital commerce. The ethical and legal principles embedded within Islamic commercial jurisprudence therefore offer valuable guidance for regulating contemporary digital marketplaces. By emphasizing honesty, fairness, transparency, and responsible commercial behavior, Islamic commercial law provides a framework that can complement modern consumer protection regulations in addressing the challenges of the digital economy.

9. Similarities and Differences in Consumer Protection Approaches

The regulation of e-commerce and digital marketplaces has become an important area of legal development in both Islamic and Western legal systems. Although these systems originate from different legal traditions and institutional structures, they share several common objectives in protecting consumers and ensuring fairness in commercial transactions. A comparative analysis reveals that both legal frameworks emphasize transparency, honesty in commercial dealings, and the protection of consumers from fraudulent or misleading business practices. However, the methods through which these objectives are achieved differ in terms of legal philosophy, regulatory mechanisms, and institutional enforcement. One of the key similarities between Islamic and Western legal systems is their shared commitment to fairness and transparency in commercial transactions. In Western consumer protection law, regulations require businesses to provide clear and accurate information regarding products, prices, delivery conditions, and contractual obligations. These requirements aim to reduce information asymmetry between sellers and consumers and allow consumers to make informed purchasing decisions. Similarly, Islamic commercial law places strong emphasis on honesty and full disclosure in trade, requiring sellers to provide accurate information about the quality, quantity, and condition of goods. Misrepresentation, fraud, and concealment of defects are considered violations of both ethical and legal standards within Islamic jurisprudence.

Another important similarity involves the recognition of consumer rights in contractual relationships. Western legal frameworks often establish statutory consumer rights that protect individuals from unfair contract terms and deceptive commercial practices. These rights may include the ability to cancel certain online transactions, request refunds for defective goods, and seek legal remedies for unfair business conduct. Islamic commercial law also recognizes protections for buyers, including the right to reject defective goods or cancel transactions when sellers fail to disclose important information about products. These principles demonstrate that both legal traditions prioritize fairness in market exchanges and seek to prevent exploitation within commercial relationships. Despite these similarities, important differences exist between the two legal systems in terms of their regulatory approaches. Western legal systems typically rely on comprehensive statutory legislation and regulatory agencies to enforce consumer protection rules. Governments enact detailed laws governing electronic commerce, data protection, digital advertising, and competition within online markets. Regulatory authorities monitor compliance with these laws and may impose penalties on businesses that violate consumer protection standards. In contrast, Islamic commercial law integrates ethical principles with legal rules, emphasizing moral responsibility alongside formal regulation. While modern Muslim-majority countries may adopt statutory laws governing e-commerce, Islamic legal traditions often rely on broader principles of justice, honesty, and prevention of harm to guide commercial behavior. These principles

influence how commercial disputes are interpreted and resolved, reflecting a legal philosophy that integrates ethical values within market regulation.

10. Regulation of Online Contracts, Dispute Resolution, and Cross-Border Challenges

The regulation of online contracts represents another important area in which Islamic and Western legal systems can be compared. In Western legal systems, electronic contracts are widely recognized as legally binding agreements. Legal frameworks governing digital commerce establish rules regarding the formation of electronic contracts, digital signatures, and consumer consent in online transactions. Online contracts are typically formed through standardized mechanisms such as click-wrap agreements or digital acceptance of terms and conditions. Consumer protection laws require businesses to provide clear contractual information and ensure that consumers are able to review contract terms before completing transactions. Islamic commercial law similarly emphasizes the importance of voluntary consent and clarity in contractual agreements. For a commercial contract to be valid, both parties must willingly agree to the terms of the transaction without coercion or deception. Essential elements such as price, product description, and delivery conditions must be clearly specified. Although classical Islamic jurisprudence developed in a non-digital environment, these contractual principles can be applied to electronic transactions. Online contracts may therefore be considered valid within Islamic legal frameworks as long as they satisfy the fundamental requirements of transparency, mutual consent, and absence of fraud. Dispute resolution mechanisms also differ between Islamic and Western legal systems. In Western jurisdictions, disputes arising from e-commerce transactions are typically resolved through formal legal institutions such as courts, arbitration bodies, or consumer protection agencies. Governments often establish specialized mechanisms for handling consumer complaints related to digital commerce. Online dispute resolution platforms have also been developed to address conflicts arising from cross-border transactions, allowing consumers and businesses to resolve disputes efficiently through digital communication systems.

In Islamic legal systems, dispute resolution traditionally involves judicial authorities, arbitration processes, and community-based mediation mechanisms. Islamic jurisprudence encourages the use of fair negotiation and mediation to resolve commercial disputes before resorting to formal legal proceedings. These dispute resolution approaches reflect broader Islamic principles promoting reconciliation and fairness in social interactions. In modern Muslim-majority states, legal institutions often combine elements of civil law systems with Islamic legal principles in addressing commercial disputes, including those arising from digital marketplaces. Cross-border digital transactions present significant challenges for both legal systems. E-commerce platforms frequently facilitate transactions between parties located in different countries, making it difficult to determine which jurisdiction's laws apply in cases of disputes or regulatory violations. Differences in consumer protection standards, contractual rules, and enforcement mechanisms can complicate efforts to resolve disputes effectively. For example, consumers purchasing goods from foreign sellers may face difficulties in enforcing their rights if the seller operates under a different legal system or regulatory framework. These cross-border challenges highlight the growing need for international cooperation and regulatory harmonization in e-commerce governance. Governments and international organizations increasingly recognize the importance of developing common standards for digital commerce regulation, including rules governing electronic contracts, data protection, and consumer rights. Harmonized regulatory frameworks can help reduce legal uncertainty and ensure that consumers receive consistent protection regardless of the jurisdiction in which digital transactions occur.

11. Impact of Digital Commerce on Consumer Rights and Market Fairness

The rapid growth of digital commerce has significantly reshaped traditional market structures and transformed the relationship between businesses and consumers. Online marketplaces have expanded access to goods and services, allowing consumers to participate in global markets with unprecedented convenience and efficiency. Through digital platforms, consumers can compare prices, evaluate product reviews, and purchase goods from sellers located in different regions of the world. While these developments have increased market accessibility and consumer choice, they have also introduced complex socio-legal challenges related to consumer rights, market fairness, and regulatory oversight. One of the most significant impacts of digital commerce on consumer rights is the emergence of information

asymmetry in online transactions. In traditional physical markets, consumers can inspect goods directly before making purchasing decisions. However, in digital marketplaces, consumers rely heavily on online descriptions, images, and ratings provided by sellers or platform operators. This dependence on digital information increases the risk of misleading advertising, inaccurate product descriptions, and manipulated consumer reviews. As a result, consumers may face greater vulnerability to deceptive practices that undermine fair market competition. Digital marketplaces also create power imbalances between large platform operators and individual consumers or small businesses. Major digital platforms control the technological infrastructure that facilitates online transactions, including payment systems, search algorithms, and product ranking mechanisms. These platforms often establish their own commercial rules that determine how sellers interact with consumers within the marketplace. While such platforms improve efficiency and connectivity in digital commerce, they may also influence market outcomes in ways that disadvantage smaller sellers or limit consumer choice. For example, algorithmic ranking systems may prioritize certain products or vendors based on commercial arrangements with the platform operator, potentially affecting transparency and fairness in market competition.

Another important socio-legal issue involves the protection of consumer privacy and personal data within digital marketplaces. Online transactions often require consumers to share personal information such as payment details, addresses, and purchasing preferences. Digital platforms collect and analyze large volumes of consumer data in order to personalize marketing strategies, recommend products, and optimize service efficiency. While data-driven technologies enhance the functionality of digital marketplaces, they also raise concerns about the potential misuse of personal data, unauthorized data sharing, and surveillance practices that may infringe upon consumer privacy rights. Regulatory frameworks must therefore balance the economic benefits of digital data usage with the need to protect individuals from privacy violations and exploitation. The expansion of digital commerce also influences broader market fairness by transforming traditional business models and competitive dynamics. Digital platforms often operate on global scales and possess significant technological resources that allow them to dominate online markets. Smaller businesses and local retailers may face difficulties competing with large digital platforms that benefit from economies of scale, advanced logistics systems, and data-driven marketing strategies. These changes raise questions regarding market competition, fair access to digital marketplaces, and the potential concentration of economic power within a small number of technology companies.

12. Institutional, Cultural, and Regulatory Challenges in Global Digital Markets

In addition to market dynamics, socio-legal perspectives emphasize the importance of institutional and cultural factors in shaping how consumer protection regulations are implemented and enforced within digital marketplaces. Legal frameworks governing e-commerce do not operate in isolation; their effectiveness depends on the broader institutional structures and cultural values that influence regulatory enforcement and consumer behavior. Institutional capacity plays a critical role in ensuring effective enforcement of consumer protection laws. Regulatory authorities responsible for monitoring digital marketplaces must possess the technical expertise, financial resources, and legal authority necessary to investigate online fraud, enforce compliance with consumer protection regulations, and address emerging technological challenges. In some jurisdictions, regulatory agencies may face limitations in technological infrastructure or specialized expertise required to monitor complex digital platforms. These institutional constraints can reduce the effectiveness of consumer protection policies and allow fraudulent online practices to persist within digital markets.

Cultural factors also influence how consumers and businesses interact within digital marketplaces and how legal norms are interpreted in different societies. Consumer attitudes toward risk, trust in digital transactions, and expectations regarding regulatory intervention may vary across cultural contexts. In some societies, strong consumer protection traditions encourage active regulatory oversight and legal enforcement against unfair commercial practices. In others, market participants may rely more heavily on informal norms, reputation systems, or community-based dispute resolution mechanisms to regulate commercial interactions. Understanding these cultural influences is important for designing consumer protection policies that are both effective and socially legitimate. One of the most significant challenges associated with digital marketplaces is the regulation of global digital platforms that operate

across multiple jurisdictions. Many online marketplaces function as transnational businesses with operations spanning numerous countries and legal systems. This global reach complicates efforts by national governments to regulate digital commerce effectively. When disputes arise between consumers and foreign sellers or platform operators, determining the applicable legal jurisdiction and enforcement authority can become highly complex. Cross-border e-commerce transactions may involve conflicting legal standards related to consumer rights, contract law, and data protection. For example, consumer protection regulations in one jurisdiction may differ significantly from those in another, creating uncertainty regarding which legal rules should apply to international digital transactions. In addition, enforcing legal judgments against foreign platform operators or online sellers may prove difficult when businesses are located outside the jurisdiction of domestic regulatory authorities.

These challenges have encouraged policymakers and international organizations to explore new approaches to global digital governance. Cooperative regulatory frameworks, international guidelines for digital commerce, and cross-border enforcement mechanisms are increasingly being developed to address the complexities of global online markets. Collaboration between national regulatory authorities can improve information sharing, strengthen enforcement capabilities, and enhance consumer protection across international digital marketplaces. Furthermore, many scholars argue that effective regulation of digital platforms requires a multi-stakeholder approach involving governments, technology companies, consumer advocacy groups, and international institutions. Digital platforms themselves play an important role in regulating market behavior by establishing internal policies governing seller conduct, dispute resolution procedures, and consumer protection mechanisms. When combined with public regulatory oversight, such platform-based governance can contribute to more comprehensive protection for consumers participating in digital commerce.

13. Policy Recommendations for Improving Digital Consumer Protection

The rapid expansion of global e-commerce and digital marketplaces has created significant opportunities for economic growth and innovation, but it has also introduced complex regulatory challenges related to consumer protection. As digital platforms increasingly facilitate cross-border transactions between buyers and sellers from different jurisdictions, traditional legal frameworks designed for domestic commerce may no longer be sufficient to address the risks associated with online markets. Strengthening consumer protection in digital environments therefore requires comprehensive policy reforms that enhance transparency, accountability, and fairness in electronic transactions. One important policy recommendation involves improving transparency and disclosure requirements in digital marketplaces. Consumers participating in online transactions often face information asymmetry because they cannot physically inspect products or directly interact with sellers before making purchasing decisions. Governments and regulatory authorities should therefore require online platforms and sellers to provide clear and accurate information regarding product descriptions, pricing structures, delivery conditions, and return policies. Transparent disclosure obligations can help consumers make informed purchasing decisions and reduce the risk of deceptive commercial practices.

Another key policy priority involves strengthening consumer rights in digital transactions, particularly in relation to electronic contracts and online purchases. Consumers should have the right to receive accurate information about the contractual terms governing online transactions and be able to withdraw from certain digital purchases within reasonable time limits. Legal frameworks should also ensure that consumers have access to effective remedies in cases involving defective goods, delayed deliveries, or fraudulent online sellers. Clear legal procedures for refunds, product replacements, and dispute resolution can significantly improve consumer confidence in digital marketplaces. Enhancing data protection and digital privacy safeguards is also essential for improving consumer protection in e-commerce. Digital marketplaces rely heavily on the collection and processing of consumer data, which may include personal information, purchasing preferences, and payment details. Regulatory frameworks should therefore establish strict rules governing how online platforms collect, store, and use consumer data. These regulations should ensure that consumers retain control over their personal information and that companies are held accountable for protecting sensitive data from unauthorized access or misuse. In addition, policymakers should encourage the development of effective online dispute resolution mechanisms for resolving conflicts arising from digital

transactions. Traditional legal procedures may be time-consuming and expensive, particularly in cases involving small-value online purchases. Digital dispute resolution systems can provide faster and more accessible alternatives by allowing consumers and businesses to resolve disputes through online communication platforms. Such systems may involve mediation, arbitration, or automated dispute resolution procedures designed to facilitate fair outcomes without requiring extensive legal proceedings.

14. Legal Harmonization Strategies and Future Directions for Digital Marketplace Regulation

While national policy reforms play an important role in strengthening consumer protection, the global nature of digital commerce requires broader efforts toward legal harmonization across jurisdictions. Cross-border e-commerce transactions frequently involve parties operating under different legal systems, which can create uncertainty regarding applicable laws and enforcement procedures. Harmonizing legal standards for digital commerce can help reduce regulatory fragmentation and facilitate more effective protection for consumers participating in international online markets. One strategy for legal harmonization involves the development of international guidelines and regulatory standards governing e-commerce activities. These guidelines can establish common principles for electronic contract formation, digital consumer rights, online payment security, and dispute resolution mechanisms. By aligning national legal frameworks with internationally recognized standards, governments can promote regulatory consistency and reduce legal barriers to cross-border digital trade.

Another important aspect of legal harmonization involves strengthening international cooperation among regulatory authorities responsible for overseeing digital marketplaces. Consumer protection agencies, competition regulators, and data protection authorities should collaborate across jurisdictions to monitor global digital platforms and enforce compliance with consumer protection laws. International cooperation can facilitate information sharing regarding fraudulent online sellers, coordinated enforcement actions against deceptive business practices, and joint regulatory initiatives addressing emerging digital market risks. The role of digital platform operators themselves is also increasingly important in the governance of online marketplaces. Many major e-commerce platforms have implemented internal policies designed to regulate seller behavior, monitor product quality, and resolve consumer disputes within their platforms. Governments and regulatory authorities should encourage responsible platform governance by requiring digital companies to implement effective consumer protection measures, including seller verification systems, transparent review mechanisms, and fair dispute resolution procedures.

Looking toward the future, the regulation of digital marketplaces must adapt to rapid technological innovation and evolving business models within the digital economy. Emerging technologies such as artificial intelligence, blockchain systems, and automated trading algorithms are transforming how digital marketplaces operate and how transactions are conducted online. These technologies offer new opportunities for improving market efficiency and transparency, but they also introduce new legal challenges related to data governance, algorithmic decision-making, and consumer protection. Future regulatory strategies should therefore focus on developing flexible and adaptive legal frameworks capable of responding to technological changes without stifling innovation. Policymakers must strike a careful balance between encouraging digital economic growth and ensuring that consumers remain protected from exploitation and unfair commercial practices. Continuous dialogue between governments, technology companies, legal scholars, and consumer advocacy organizations will be essential for designing effective regulatory approaches that address emerging risks in digital marketplaces.

15. Conclusion

The rapid expansion of digital marketplaces has fundamentally transformed global commerce, creating new opportunities for businesses and consumers while simultaneously introducing complex regulatory challenges. As e-commerce continues to reshape traditional market structures, ensuring effective consumer protection has become a central concern for policymakers, legal scholars, and regulatory authorities. Digital platforms facilitate cross-border transactions, increase market accessibility, and enhance economic efficiency; however, they also expose consumers

to risks such as misleading product information, unfair contractual terms, data privacy violations, and difficulties in resolving disputes arising from online transactions.

This study has examined the regulation of digital marketplaces through a comparative socio-legal analysis of Islamic and Western legal systems. The analysis demonstrates that both legal traditions share common objectives in promoting fairness, transparency, and accountability in commercial transactions. Western legal systems typically rely on detailed statutory legislation, regulatory institutions, and consumer protection agencies to regulate digital commerce and enforce consumer rights. In contrast, Islamic commercial law integrates ethical principles with legal norms, emphasizing honesty in trade, transparency in contractual agreements, and the prevention of harm as fundamental components of market regulation. Despite differences in legal methodology and institutional frameworks, both systems aim to protect consumers from deceptive practices and promote equitable market relationships.

The comparative analysis also highlights the growing importance of socio-legal factors in shaping the effectiveness of consumer protection in digital marketplaces. Institutional capacity, cultural expectations, technological development, and cross-border regulatory cooperation all influence how consumer protection laws are implemented and enforced in practice. In particular, the global nature of digital commerce presents significant challenges for national legal systems, as cross-border transactions often involve conflicting legal standards, jurisdictional complexities, and difficulties in regulatory enforcement.

To address these challenges, greater efforts toward legal harmonization and international cooperation are necessary to strengthen consumer protection frameworks in global e-commerce. Policymakers should focus on enhancing transparency in online transactions, protecting consumer data and privacy, developing accessible dispute resolution mechanisms, and promoting responsible governance of digital platforms. At the same time, integrating ethical principles derived from diverse legal traditions, including Islamic commercial jurisprudence, can contribute to more comprehensive and culturally inclusive approaches to regulating digital markets.

Ultimately, effective governance of digital marketplaces requires adaptive legal frameworks capable of responding to technological innovation while safeguarding consumer rights. By fostering cooperation among governments, regulatory authorities, digital platform operators, and international institutions, it is possible to create more transparent, fair, and accountable digital market environments. Such efforts will be essential for ensuring that the continued growth of the global digital economy benefits consumers while maintaining trust, equity, and justice in modern commercial systems.

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