

**SUPERVISION OF BUYING AND SELLING SEX DOLLS ON THE
MARKETPLACE FROM THE PERSPECTIVE OF THE MINISTRY OF
TRADE AND MAQOSHID SYARIAH**

THESIS

By: Akhmad Fatikhul Amin

SIN 210202110001



ISLAMIC ECONOMY LAW DEPARTEMENT

SHARIA FACULTY

**STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM
MALANG**

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2025

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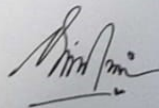
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THE MINISTRY OF TRADE AND MAQOSHID SYARIAH

No.	Hari/Tanggal	Konsultasi	Tanda Tangan
1.	Jum'at, 2 Mei 2025	Konsultasi Bab 1-2	
2.	Senin, 5 Mei 2025	Revisi Bab 1-2	
3.	Selasa, 6 Mei 2025	ACC Seminar Proposal	
4.	Jum'at, 9 Mei 2025	Revisi setelah sempro dan outline Pembahasan	
5.	Jum'at, 16 Mei 2025	Konsultasi Pembahasan	
6.	Senin, 19 Mei 2025	Revisi Pembahasan	
7.	Selasa, 20 Mei 2025	Konsultasi Kesimpulan	
8.	Jumat, 23 Mei 2025	Revisi kesimpulan	
9.	Senin, 26 Mei 2025	ACC naskah Skripsi	
10.	Selasa, 27 Mei 2025	Tanda Tangan berkas Skripsi	

Malang, 20 June 2025

Acknowledged by,

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**SUPERVISION OF BUYING AND SELLING SEX DOLLS ON THE
MARKETPLACE FROM THE PERSPECTIVE OF THE MINISTRY OF
TRADE AND MAQOSHID SYARIAH**

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MOTTO

قُلْ لِلْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصَرِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ۚ ذَٰلِكَ أَزْكَىٰ لَهُمْ ۚ إِنَّ اللَّهَ
خَبِيرٌ بِمَا يَصْنَعُونَ

Means; "Say to the believing man, that they guard his eyes, and guard his genitals;
That is more sacred to them. Indeed, Allah is Aware of what they do."

(QS. An-Nur 24: Verse 30)

وَلَا تَقْرُبُوا الزِّنَىٰ ۚ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

Means; "And ye shall not approach adultery; (adultery) is indeed an abominable
deed, and a bad way." (QS. Al-Isra' 17: Verse 32)

وَمَنْ تَابَ وَعَمِلَ صَالِحًا فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا

Means; "And whoever repents and does good deeds, he will indeed repent to Allah
with true repentance."

(QS. Al-Furqan 25: Verse 71)

AKNOWLEDGEMENT

بسم الله الرحمن الرحيم

All praise and gratitude to Allah SWT for all His graces, gifts and help so that the writing of the thesis entitled: **"SUPERVISION OF BUYING AND SELLING SEX DOLLS ON THE MARKETPLACE FROM THE PERSPECTIVE OF THE MINISTRY OF TRADE AND MAQOSHID SHARIAH"** can be completed well. Prayers and greetings are given to the Prophet Muhammad PBUH who has set a good example in all aspects of human life in order to reach the Ridha of Allah SWT, the Lord of the universe.

With humility to all the guidance, education and assistance and direction that has been given, the author expresses his sincere gratitude to:

1. Prof. Dr. H. M. Zainuddin, M.A as the Rector of the State Islamic University Maulana Malik Ibrahim Malang.
2. Prof. Dr. Sudirman, M.A as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
3. Prof. Dr. Fakhruddin, M.HI., as the Head of the Sharia Economic Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
4. Dr. Suwandi, M.H, as a guardian lecturer while studying at the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, for the guidance, suggestions, and motivation given during lectures.

5. Dwi Hidayatul Firdaus, M.SI. As a writer supervisor who has devoted time to providing direction, guidance, suggestions and enthusiasm in writing this thesis.
6. The entire Board of Examiners of my thesis has provided revisions and directions so that the writing in this thesis is in accordance with the rules of authorship and scientific principles.
7. All lecturers of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang for the knowledge, guidance, and education provided. Although the author cannot mention them one by one, respect and gratitude have not diminished. May Allah SWT always bestow health, blessings, and protection on all of him.
8. All Staff and Employees of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
9. To my beloved Umi, Umina Maslikha, thank you for all the life lessons you have given me, thank you for giving birth to me and being able to live with me with patience, fortitude and strength until this moment. Thank you for educating me from childhood to adulthood, you never get tired of reminding me to scold me when I still make a lot of mistakes. I always remember that you always say "don't forget to pray tahajud, son, if you want to do the affairs of the world, then improve your religion" he always reminds you not to forget to read the prayer 1000 times, don't forget to read istighfar 111 times and good practices to support ease in world affairs, thank

you Umi, you have given all your affection, love, prayers, advice that you have been giving hopefully can be a field of reward in Yaumul qiyamah later. The author can only thank me a lot without being able to replace everything we have given me, the author hopes to Allah that Umi will always be there to provide health, strength, and useful sustenance so that the writer can benefit from all the good deeds that we have given to the writer.

10. My beloved Abiku, Moh Sulaiman, thank you Abi you have given many sacrifices to your family, you also give all the energy, thought, treasure and prayers that you always pray both at night and in the morning, thank you for all the advice you give to the writer to always be motivated in completing this thesis assignment, the writer can apologize if during the process of completing the final project there are still many lacks and mistakes to abi. The author hopes to Allah subhanahu wa ta'ala that the heart will always be given health, always given a long life, abundant and useful sustenance so that the writer can continue Abi's struggle to uphold the religion of Allah, thank you for everything, Abi and apologize if the writer still cannot be what you want.

11. To my two beloved sisters, Mutia Rina Sulaiman and Muhammad Irfan Manan, thank you to all of you because the writer can be entertained by your presence in the world because the writer's desire

when he was a child was to have a brother who could play and learn and who would definitely glorify his parents.

12. To the friends of the 2021 class of sharia economic law on behalf of the author, I would like to thank you very much and apologize if in every word the writer does not match his deeds and thank you for wanting to fight together.

13. To the people who always accompany me in any condition, I want to thank and apologize profusely on behalf of the author, I want to ask for prayers so that the knowledge obtained by the writer can be practiced and hopefully what you aspire to can be something realized.

14. To the friends of Wong's group trouble, namely how Wahid, Gilang, Fikri, Naufal, Zain thank you for all your support, help and support during the beginning of our introduction from the organizational journey in ForKES until now, you still want to accept me as a friend and the writer hopes that we can become the best people with our own version and we can gather again in our best state with our efforts that we are fighting for.

May Allah SWT always repay you as well as possible for everything you give. The author realizes that this thesis is still far from perfection both in terms of technique and substance. Therefore, the author hopes that there will be constructive criticism and suggestions from readers for the perfection of this thesis.

TRANSLITERATION GUIDELINES

A. Common

Transliter is the transfer of Arabic writing into Indonesian or Latin script, not Arabic to Indonesian translation. Included in this category are Arabic names of Arab nations, while Arabic names of nations other than Arabic are written as the spelling of their national language, or as written in the book as a reference. Writing book titles in *footnotes* and bibliographies, still uses this transliter.

There are many transliter options and provisions that can be used in writing scientific papers, both international and national standards, and provisions that are specifically used by certain publishers. The transliteration used by the Faculty of Sharia, State Islamic University (UIN) Maulana Malik Ibrahim Malang uses EYD plus, which is a transliter based on the Joint Decree (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia, dated January 22, 1987 No. 158/1987 and 0543.b/U/1987, as stated in the book *A Guide Arabic Transliteration*.

B. Konsonan

The list of Arabic letters and their transliteration into Latin can be seen on the following page:

Arab	Indonesia	Arab	Indonesia
ا	,	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k

د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	ه	h
ش	sh	ء	,
ص	ṣ	ي	y
ض	ḍ		

Hamzah (ء) located at the beginning of the word follows the vowel without being given any mark. If the hamzah (ء) is located in the middle or at the end, then it is written with a sign (').

C. Vocal

Arabic vowels, like Indonesian vowels, consist of single or monophthongs and double vowels or diphthongs.

Arabic singular vowels whose symbol is in the form of a sign or harakat, the transliteration is as follows:

Huruf Arab	Nama	Huruf Latin	Nama
أ	Fathah	A	A
إ	Kasrah	I	I
أ	Ḍammah	U	U

Arabic double vowels whose symbol is a combination of harakat and letters, the transliteration is in the form of a combination of letters, namely:

Tanda	Nama	Huruf Latin	Nama
اَ اِي	Fathah and ya	Ai	A and I
اَ اُو	Fathah and wau	Iu	A and U

Example:

كَيْفَ : Kaifa

حَوْلَ : Haula

D. Maddah

Maddah or Long vowels whose symbols are in the form of harakat and letters, the transliteration is in the form of letters and signs, namely:

Tanda	Nama	Huruf Latin	Nama
اَ اِي	Fathah and alif or ya	ā	a and The line above
اِ اِي	Kasrah and ya	ī	i and The line above
اُ اُو	Ḍammah and wau	ū	u and The line above

Example:

مَاتَ : *māta*

رَمَى : *ramā*

يَمُوتُ : *yamūtu*

E. Ta Marbūṭah

There are two transliterations for ta marbūṭah, namely: ta marbūṭah who lives or receives harakat fathah, kasrah, and ḍammah, the transliteration is (t). As for ta marbūṭah who dies or receives the dignity of

breadfruit, the transliteration is (h).

If the word ending in ta marbūṭah is followed by a word that uses the verb al- and the reading of the two words is separate, then ta marbūṭah is transliterated with ha (h). Example:

رَوْضَةُ الْأَطْفَالِ : *rauḍah al-atfāl*.

الْمَدِينَةُ الْفَضِيلَةُ : *al-madīnah al-fāḍilah*.

الْحِكْمَةُ : *al-ḥikmah*.

F. Syaddah (*Tasydīd*)

Shayddah or *tasydīd*, which in the Arabic writing system is propelled with a sign *tasydīd* (◌ْ), in this transliteration it is symbolized by the repetition of letters (double consonants) given the *shayddah* tandah. Example:

رَبَّنَا : *rabbānā*

نَجَّيْنَا : *najjainā*.

عَدُوُّ : *‘aduwwu*

If the letter ع is *tasydīd* at the end of a word and is succeeded by the letter of kasrah (◌ِ), then it is transliterated as *the letter maddah* (ī).

Example:

عَلِيٍّ : *Alī* (bukan ‘Aliyy atau ‘Aly)

عَرَبِيّ

: *Arabī* (bukan ‘*Arabiyy* atau ‘*Araby*)

G. Words

The word slang in the Arabic writing system is propped with the letter ال (alif lam ma'arifah). In this transliteration guideline, the word genang is transliterated as usual, al-, both when it is followed by the letter shamsiah and the letter qamariah. The verb does not follow the sound of the direct letter that follows it. The verb is written separately from the word that follows it and is connected by a horizontal line (-). Examples:

الشَّمْسُ

: *al-syamsu* (bukan *as-syamsu*)

الزَّلْزَلَةُ

: *al-zalزالah* (bukan *az-zalزالah*)

الْفَلْسَفَةُ

: *al-falsafah*

H. Hamzah

The rule of transliterating the letters hamzah into an apostrophe (') only applies to hamzah located in the middle and at the end of the word. However, if hamzah is located at the beginning of the word, it is not symbolized, because in Arabic writing it is in the form of alif. Examples:

النَّوْءُ

: *al-nau'*

شَيْءٌ

: *syai'un*

أُمِرْتُ

: *umirtu*

I. Commonly Used Arabic Word Writing in Arabic

Arabic words, terms or sentences that are transliterated are words, terms or sentences that have not been standardized in Indonesian. Words, terms or sentences that are common and part of the Indonesian language,

or have often been written in Indonesian writing, are no longer written according to the above transliteration method. For example, the words of the Qur'an (from *the Qur'ān*), sunnah, hadith, special and general. However, if these words are part of a series of Arabic texts, then they must be transliterated in their entirety. Example:

Fī zilāl al-Qur'ān

Al-Sunnah qabl al-tadwīn

Al-'Ibārāt Fī 'Umūm al-Lafz lā bi khuṣūṣ al-sabab

J. Lafz Al-Jalālah (الله)

The word "Allah" which is preceded by particles such as jarr and other letters or is positioned as muḍāf ilaih (nominal phrase), is transliterated without the letter hamzah. Example:

دِينُ اللَّهِ : *dīnullāh*

As for *ta marbūṭah* at the end of the word which is attributed to *lafz al-jalālah*, it is transliterated with the letter [t]. Example:

هُمْ فِي رَحْمَةِ اللَّهِ : *hum fī raḥmatillāh*

K. Capital Letters

Although the Arabic writing system does not recognize capital letters (*All Caps*), in its transliteration these letters are subject to provisions on the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the first letter of one's name (person, place, month) and the first letter at the beginning of a sentence. If the personal name is preceded by the verb (al-), then what is written in capital letters is still the initial letter of the personal name, not the initial letter of the verb. If it is located at the beginning of a sentence, then the letter A of the adjective uses a capital letter (Al-). The same provision also applies to the initial letter of the reference title preceded by the verb al-, both when it is written in the text

and in the reference notes (CK, DP, CDK, and DR). Example:

Wa mā Muḥammadun illā rasul

Inna awwala baitin wuḍi‘a linnāsi lallaḏī bi Bakkata mubārakan

Syahru Ramaḏān al-laḏī unzila fīh al-Qur‘ān

Naṣīr al-Dīn al-Ṭūs

Abū Naṣr al-Farābī

Al-Gazālī

Al-Munqiz min al-Ḍalāl

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ABSTRAK

Akhmad Fatikhul Amin, NIM 210202110001, 2025, “**PENGAWASAN JUAL BELI BONEKA SEKS PADA MARKETPLACE PERSPEKTIF KEMENTERIAN PERDAGANGAN DAN MAQASHID SYARIAH**”. Skripsi, Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang

Pembimbing: Dwi Hidayatul Firdaus, M.SI.

Kata Kunci: Pengawasan, Marketplace, dan Boneka Seks

Penelitian ini bertujuan menganalisis praktik jual beli boneka seks di marketplace berdasarkan hukum positif Indonesia dan maqashid syariah. Boneka seks sebagai objek seksual menimbulkan persoalan hukum, moral, dan sosial, serta dianggap melanggar UU No. 44 Tahun 2008 tentang Pornografi, khususnya Pasal 4 ayat (1) dan Pasal 8. Selain itu, Permendag No. 50 Tahun 2020 menegaskan bahwa kewajiban pembuat marketplace dan pihak yang diberikan tanggungjawab untuk mengawasi barang yang diperdagangkan dan memastikan tidak adanya produk terlarang.

Hasil penelitian menunjukkan bahwa pengawasan pemerintah, terutama Kementerian Perdagangan, masih belum optimal akibat keterbatasan teknologi dan koordinasi dengan pihak marketplace. Padahal, marketplace memiliki tanggung jawab untuk memverifikasi dan menindaklanjuti produk ilegal sesuai Pasal 15 dan 16 Permendag No. 50 Tahun 2020. Dari sudut pandang maqashid syariah, praktik ini bertentangan dengan tujuan menjaga agama, akal, dan keturunan. Oleh karena itu, diperlukan penguatan regulasi, edukasi pelaku usaha, dan kerja sama lintas sektor untuk menciptakan perdagangan digital yang sesuai hukum dan nilai syariah.

ABSTRACT

Akhmad Fatikhul Amin, NIM 210202110001, 2025, “SUPERVISION OF SEX DOLL SALE AND BUYING IN MARKETPLACE FROM THE PERSPECTIVE OF THE MINISTRY OF TRADE AND MAQASHID SYARIAH”. Thesis, Sharia Economic Law Study Program, Faculty of Sharia, State Islamic University of Maulana Malik Ibrahim Malang

Supervisor: Dwi Hidayatul Firdaus, M.SI.

Keywords: Supervision, Marketplace, and Sex Dolls

This study aims to analyze the practice of buying and selling sex dolls in the marketplace based on positive Indonesian laws and sharia maqashid. Sex dolls as sexual objects raise legal, moral, and social problems, and are considered to violate Law No. 44 of 2008 concerning Pornography, especially Article 4 paragraph (1) and Article 8. In addition, Permendag No. 50 of 2020 emphasizes that the obligation of marketplace makers and parties who are given responsibility is to supervise the goods traded and ensure the absence of prohibited products.

The results of the study show that government supervision, especially the Ministry of Trade, is still not optimal due to technological limitations and coordination with the marketplace. In fact, marketplaces have the responsibility to verify and follow up on illegal products in accordance with Articles 15 and 16 of Trade Regulation No. 50 of 2020. From the point of view of the sharia maqashid, this practice is contrary to the purpose of preserving religion, reason, and heredity. Therefore, it is necessary to strengthen regulations, educate business actors, and cross-sector cooperation to create digital trade in accordance with sharia law and values.

ملخص البحث

أحمد فاتح الأمين، NIM 210202110001، 2025، "الإشراف على بيع وشراء

الدمى الجنسية في السوق من منظور وزارة التجارة والمقاصد الشرعية". أطروحة،

برنامج دراسة القانون الاقتصادي الشرعي، كلية الشريعة، جامعة مولانا مالك

إبراهيم الإسلامية الحكومية في مالانج

المشرف: دوي هداية الفردوس، M.SI.

الكلمات المفتاحية: المراقبة، السوق، والدمى الجنسية

تهدف هذه الدراسة إلى تحليل ممارسة بيع وشراء دمى الجنس في السوق بناء على القوانين الإندونيسية الإيجابية والمقاصد الشرعية. تثير دمى الجنس كأدوات جنسية مشاكل قانونية وأخلاقية واجتماعية، وتعتبر مخالفة للقانون رقم 44 لسنة 2008 بشأن المواد الإباحية، وخاصة الفقرة (1) من المادة 4 والمادة 8. بالإضافة إلى ذلك، يؤكد Permendag رقم 50 لعام 2020 على أن واجب صانعي السوق والأطراف المسندة لهم المسؤولية هو الإشراف على البضائع المتداولة والتأكد من عدم وجود منتجات محظورة.

تظهر نتائج الدراسة أن الرقابة الحكومية وخاصة وزارة التجارة لا تزال غير مثالية بسبب القيود التكنولوجية والتنسيق مع السوق. في الواقع، تتحمل الأسواق مسؤولية التحقق من المنتجات غير القانونية ومتابعتها وفقاً للمادتين 15 و 16 من اللائحة التجارية رقم 50 لعام 2020. من وجهة نظر المقاصد الشرعية، فإن هذه الممارسة تتعارض مع الغرض من الحفاظ على الدين والعقل والورثة. لذلك، من الضروري تعزيز اللوائح وتنقيف الجهات الفاعلة في مجال الأعمال والتعاون بين القطاعات لإنشاء تجارة رقمية وفقاً لأحكام الشريعة الإسلامية وقيمها.

CHAPTER I

INTRODUCTION

A. Background

In today's day and age, people buy and sell goods very easily and are accessible to everyone and to be able to access these services must require an online network that is connected to all user accounts. A place to buy and sell goods or services that use an online network is called a marketplace or e-commerce, where almost all goods or services that are needed or desired are available and accessible to everyone

Marketplace is one of the digital innovations in the world of commerce that is growing rapidly along with the advancement of information technology. Marketplace or online marketplace is a means of interaction between sellers and buyers that facilitates transactions without the need for face-to-face. By using only electronic devices and an internet connection, people can access thousands of products from different categories and sellers. This phenomenon has made a great contribution to the growth of the national digital economy, especially in the post-pandemic period.¹

Tokopedia is one of the largest marketplaces in Indonesia which was founded in 2009 by William Tanuwijaya and Leontinus Alpha Edison. The platform connects sellers and buyers online, both from individuals and businesses. As part of the GoTo group (a combination of Gojek and Tokopedia), Tokopedia has been a pioneer in driving

¹ Alat Bantu, Seksual, dan Anak di Bawah Umur, "TANGGUNG JAWAB HUKUM PASAR UNTUK PEMASARAN ALAT BANTU SEKSUAL DI BAWAH UMUR," JURNAL META-YURIDIS 5, no. 2 (nd): 138–48.

digital transformation in Indonesia's trade and economic sectors.² As a marketplace, Tokopedia carries a consumer to consumer (C2C) and business to consumer (B2C) model, allowing anyone to open an online store for free and sell various types of products. In addition, large companies, official brands, and MSMEs can also sell directly to consumers. Various product categories are available on Tokopedia, such as electronics, fashion, food, beauty, and household needs. Tokopedia provides various features to support a safe and comfortable buying and selling experience. Some of these are an integrated payment system, shipping expedition options, paid promotions for sellers, and product reviews and ratings feature from buyers. With these features, Tokopedia creates an efficient and transparent digital commerce ecosystem.

Tokopedia marketplace users come from various age groups, ranging from children, teenagers, to adults. Children are generally not yet active users who make transactions, but they can access Tokopedia through their parents' accounts to view or select items such as toys, school supplies, or children's entertainment products. At this stage, the role of parents is very important in supervising and guiding children's activities in using digital platforms such as Tokopedia. Teenagers, especially those who are used to using the internet and have access to digital payment methods (such as e-wallets or bank accounts), are starting to become active users of Tokopedia. They use this platform to buy on-demand items such as clothing, school supplies, gadgets, or hobby products. Tokopedia is a practical place to find the best prices and read reviews before buying, which helps teens learn to make wise

² Gojek Tokopedia Tbk PT Goto, "Laporan Tahunan TRANSFORMASI UNTUK KEMAJUAN TRANSFORMASI UNTUK KEMAJUAN 2023," Laporan Tahunan GOTO, 2023, 22.

consumptive decisions in the digital age.³ Meanwhile, the adult group is the largest and most active user in making transactions on Tokopedia. They use this marketplace to meet household needs, work tools, health products, and others. There are also many adults who act as sellers, both individuals and small and medium business actors. Apart from being a shopping place, Tokopedia is also a means to earn additional income for adults through the online stores they manage on the platform.⁴

As for the research that will be written, it focuses more on the supervisory practices carried out by government agencies based on the regulations that have been set, Supervision of trade activities, including the sale of products containing pornographic elements such as sex dolls, has a strong legal basis in Law Number 7 of 2014 concerning Trade. In Article 99, it is stated that trade supervision is a joint authority between the central government and local governments, with technical implementation under the coordination of the Minister of Trade. This shows that the government, through the Ministry of Trade, has a direct responsibility for regulating and supervising goods circulating in the market, both offline and online. In the context of the marketplace, this supervision is very important considering the ease of access and the wide range of product sales through the marketplace gives a flaw to sellers to sell goods that should already have a prohibition in terms and conditions before trading their sales.

In the law article 100 of the Trade Law explains in detail the

³ Techno, "Tren Belanja Online 2025: Teknologi Dan Perilaku Konsumen," Berijalan Member Of Astra, N.D., <https://Berijalan.Co.Id/Article-Detail/Tren-Belanja-Online-2025-Teknologi-Dan-Perilaku-Konsumen>.

⁴ Nur'aeni Nur'aeni Nur'aeni, MH Ainulyaqin, Dan Sarwo Edy, "Dampak Fenomena E-Commerce Terhadap Tingkat Penjualan Di Pasar Tradisional Ditinjau Dari Psikologi Dan Ekonomi Islam," Jurnal Ilmiah Ekonomi Islam 10, No. 1 (2024): 270, <https://doi.org/10.29040/jiei.v10i1.12146>.

duties of trade supervisory officers appointed by the Ministry of Trade. They have the authority to supervise important aspects of trade, such as business licensing, distribution of goods and services, registration of goods, fulfillment of quality standards such as SNI, to supervision of goods that are prohibited or restricted in circulation. In the event that goods are found that contain pornographic elements or violate moral norms, the supervisory officer based on Article 100 paragraph (4) can take decisive action by providing administrative sanctions such as withdrawal or destruction of goods, termination of business activities, and revocation of business licenses. This is an important instrument in stopping the distribution of problematic products, including sex dolls, from marketplaces that violate the rules.⁵

Meanwhile, the role of law enforcement officials is also affirmed in Article 103 of the Trade Law, which gives authority to civil servant investigators (PPNS) to carry out a series of investigative actions. Their duties include receiving reports of violations, conducting examinations of evidence, summoning related parties, conducting searches and confiscating evidence, and stopping investigations if necessary. This procedure provides a systematic law enforcement pathway against business actors who violate trade terms, including those who trade products with pornographic elements in the digital realm.

Thus, the role of PPNS is optimal in encouraging effective law enforcement in the electronic commerce environment. In the realm of digital trade or Trade Through Electronic Systems (PMSE), supervision is further regulated through Government Regulation

⁵ Satrio Budi Pramono and Grasia Kurniati, “Perlindungan Hukum Konsumen Dalam Transaksi Jual Beli Barang Online Di Indonesia,” *JLEB: Journal of Law, Education and Business* 1, no. 2 (2023): 166–78, <https://doi.org/10.57235/jleb.v1i2.1037>.

Number 80 of 2019.⁶ Article 76 states that the Minister of Trade has the authority to supervise and coach PMSE activities, the implementation of which is carried out in coordination with other ministries/institutions and local governments. Meanwhile, Article 78 stipulates that the Minister appoints special supervisory officers assisted by the supervisory assistance team, especially to counteract the negative impact of cross-border digital trade. This means that supervision of the sale of problematic goods such as sex dolls in the marketplace is not only carried out administratively, but also through systematic monitoring involving various parties across sectors.

In addition to regulations in the field of trade, the prohibition of the sale of products containing pornographic elements such as sex dolls is also based on Law Number 44 of 2008 concerning Pornography. Article 4 paragraph (1) expressly prohibits all forms of production, dissemination, offering, and trading of materials that contain pornographic elements, such as genitalia, nudity, or sexual acts. This is reinforced by the criminal threat in Article 29, which stipulates a prison sentence of up to 12 years and a fine of up to Rp 6 billion for violators. In addition, Article 45 paragraph (1) of Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law) also prohibits the dissemination of electronic information that contains a violation of morality. Although sex dolls are not explicitly mentioned, their sale can be categorized as a violation of morality and pornography, as also listed in Articles 282 and 533 of the Criminal Code. Thus, the sale of sex dolls online involves violations of various layered legal provisions, both in the

⁶ Sarah Judith Putri Santosa and Asep Hakim Zakiran, "Pertanggungjawaban Penyedia Jasa Layanan Elektronik Terhadap Pembatalan Pembelian Tiket Online Secara Sepihak Kepada Konsumen Berdasarkan PP No. 80 Tahun 2019 Tentang Penyelenggaraan Transaksi Melalui Sistem Elektronik," *Bandung Conference Series: Law Studies* 3, no. 1 (2023): 823–29, <https://doi.org/10.29313/bcsls.v3i1.7157>.

fields of trade, pornography, and electronic transactions, and therefore requires strict and integrated supervision and enforcement by the relevant authorities.⁷

However, the rapid development of the marketplace cannot be separated from challenges, one of which is the misuse of this platform for illegal activities, such as the dissemination of content or products that contain pornographic elements. The trade in pornographically charged goods or services is often disguised by the use of indecent symbols, codes, and images that evade the system's automatic detection. This is a serious concern because it can damage people's moral values and cause a wide social impact, especially on the younger generation.⁸ The implementation of this law is supervised by a number of state institutions, especially the Ministry of Communication and Information Technology (Kominfo) which has the authority to monitor content and block access to negative content. In addition, the National Police of the Republic of Indonesia through the Directorate of Cybercrime also plays an active role in investigating and prosecuting digital crimes, including pornography buying and selling activities on marketplace platforms.

The development of digital technology and the ease of internet access have driven major changes in people's consumption patterns, including in terms of purchasing sensitive products such as sex dolls. On the one hand, selling sex dolls online offers a number of conveniences, such as maintaining consumer privacy, providing a safe alternative to fulfilling sexual needs, and potentially helping individuals cope with stress and increase personal satisfaction. This is

⁷ Riyadus Solikhin, "Perkembangan Dan Urgensi Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Perdagangan Elektronik Di Indonesia," *Padjadjaran Law Review* 11, no. 1 (2023): 66–80, <https://doi.org/10.56895/plr.v11i1.1235>.

⁸ Bantuan, Di, Dan Usia, "TANGGUNG JAWAB HUKUM PASAR UNTUK PEMASARAN ALAT BANTU SEKSUAL DI BAWAH UMUR."

one of the reasons why demand for this product is starting to appear in various marketplaces, both local and international. With a more closed and flexible approach, marketplaces provide space for consumers to access these goods without having to face social stigma directly.⁹

However, this convenience also poses new challenges that are quite serious. The open dissemination and promotion of products containing pornographic elements such as sex dolls in the digital space can have a negative impact on people's morals and morals, especially the younger generation. The lack of control and supervision of advertising and its circulation opens up opportunities for children and adolescents to access content that is not appropriate for their age. In addition, the existence of this product openly in the marketplace is considered contrary to Indonesian religious and cultural values that uphold moral norms. As a result, people are beginning to question the extent to which the state is present in protecting public morale from the negative influence of market digitalization.¹⁰

This concern is further reinforced by the weak regulation and supervision of the sale of these kinds of products on e-commerce platforms. Until now, there is no legal rule that specifically regulates the sale of sex dolls, although in general the prohibition against pornographic content has been affirmed in Law Number 44 of 2008 concerning Pornography and the Law on Information and Electronic Transactions (UU ITE). This creates a legal loophole that is used by business actors to market these products without significant obstacles.

⁹ Sabrina Difa Amallia and Rina Arum Prastyanti, "Analisis Yuridis Transaksi Jual Beli Alat Bantu Seks Di Market Place Menurut Undang-Undang Pornografi," *Multidisciplinary Indonesian Center Journal (MICJO)* 1, no. 2 (2024): 968–77, <https://doi.org/10.62567/micjo.v1i2.109>.

¹⁰ Jacky Afrinanda Lola Yustrisia Riki Zulfiko, "KEGIATAN JUAL BELI ALAT BANTU SEKS (SEX TOYS) DI ONLINE SHOP DITINJAU DARI UNDANG-UNDANG PORNOGRAFI," *Pakuan Law Review* 09, no. 2 (2023): 65–75.

Therefore, further study is needed on how appropriate regulations and monitoring mechanisms can be applied in the digital context so that the circulation of pornographically containing products such as sex dolls can be effectively controlled in order to protect the public from adverse social and legal impacts.

In the context of Islam, the dissemination and trade of goods containing pornographic elements is an act that is contrary to the basic principles of *maqāshid sharia*, namely *sharia* principles that aim to protect human welfare. Among the five main goals of *maqāshid sharia*, namely the preservation of religion (*ḥifẓ al-dīn*), the soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), heredity (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), the circulation of pornography clearly threatens some of them, especially reason and heredity.¹¹

Pornographic content can directly damage the human mind, especially the younger generation, by spreading misconceptions about sexual relationships and moral values. In the long run, this can result in moral decadence and a decline in the quality of people's thinking. In addition, *the protection of offspring (ḥifẓ al-nasl)* is also threatened because pornography can encourage deviant sexual behavior that has the potential to damage the family structure and result in sexual violence or exploitation.¹²

In terms of religious protection (*ḥifẓ al-dīn*), the existence of pornographic content is contrary to Islamic values that teach chastity, ethics, and noble morals. Therefore, market supervision of pornographic elements is not only the responsibility of the state in law

¹¹ Q adar Bakhsh Baloch, ""kebebasan Jual Beli Alat Kontrasepsi Secara Online Perspektif Peraturan Pemerintah Nomor 82 Tahun 2012, Undang-Undang Nomor 11 Tahun 2008, Dan Sadd Adz-Dzari'ah" Title" 11, no. 1 (2017): 92–105.

¹² Ahmad Riady, "REVIEW OF ISLAMIC LAW ON THE USE OF SEX TOYS Ahmad Riady," JURNAL SYARIAH DAN HUKUM 18 Number 1 (2020): P.33-57.

enforcement, but also part of efforts to maintain the sharia of maqāṣid in Muslim society. Thus, the participation of the Muslim community in rejecting and reporting this kind of content is a tangible form of amar ma'ruf nahi munkar.¹³

With reference to national regulations and the principles of maqāṣid al-sharī'ah, the supervision of markets containing pornographic elements must be carried out strictly, systematically, and continuously. Digital education, sharia literacy, and law enforcement need to be continuously improved so that Indonesia's digital space becomes a safe, clean, and beneficial place for all levels of society. A healthy market not only creates economic value but also becomes a means that supports the social and spiritual life of the community in a sustainable manner.

The author's interest in researching the buying and selling of sex dolls that are still circulating in the market and supervised by the Ministry of Trade is still not effective in its implementation because the author can still access and see the platforms that trade these goods.

The academic urgency in the written research is that goods that are clearly prohibited and not allowed to be traded can still be circulated and accessed by all circles in the market and this is not in accordance with existing regulations in Indonesia and violates Islamic law. Therefore, the author wants to research more deeply to prevent the possibilities that cause riots in society.

¹³ M H Law, ANALISIS PENGGUNAAN ROBOT PEREMPUAN SEBAGAI PENGANTI PEMENUHAN KEBUTUHAN SEKSUAL MAQASHID SYARI 'AH DAN SKRIPSI PSIKOLOGI YANG DIAJUKAN KE UNIVERSITAS ISLAM NEGERI KYAI HAJI AHMAD SIDDIQ JEMBER UNTUK MEMENUHI PERSYARATAN PEROLEHAN GELAR MASTER, 2022.

B. Problem Formulation

1. What is the Responsibility of the Marketplace in the Sales of Sex Dolls Perspective of the Trade Act and its regulatory derivatives?
2. What is the government's role in supervising the buying and selling of sex dolls in the marketplace?

C. Research Objectives

1. To find out whether the sale of sex dolls with the perspective of the trade law and its derivative regulations has been implemented or not.
2. To dig deeper about the government's role in cracking down on the sale of sex dolls in the marketplace.

D. Research Benefits

1. Theoretical Benefits
 - 1) This research can contribute to the development of legal science, especially in the field of social law and sharia economic law. This can enrich the academic literature related to the effectiveness of supervising the buying and selling of sex dolls in the marketplace.
 - 2) This research also makes a theoretical contribution to the development of sharia law that has been formulated by several previous scholars using the principles of Islam in the field of economics. This research helps in the supervision of the Ministry of Trade to better discipline business actors who cannot comply with the regulations that have been determined by the local region.
2. Practical Benefits
 - 1) This research can increase legal certainty for people in Indonesia to be able to understand and choose goods to be purchased in the marketplace according to their needs. This can help the government to anticipate undesirable possibilities by the public.
 - 2) The results of this research can be used as educational and discussion materials for the general public about the legal aspects of the use of sex dolls and increasing digital economic literacy as the times develop.

E. Research Methods

This research is not a completely new study, considering that there have been several previous studies that have discussed similar topics. Nevertheless, the author is still interested in conducting this research because there is room for study that can still be explored further, especially in terms of supervision carried out by the Ministry of Trade. The main focus of this study lies on how the mechanism and effectiveness of such supervision are carried out, as well as its impact on policy implementation in the field. In addition, the research object used in this study is different from previous research, so it is expected to make a new contribution to the development of insight and understanding of the issues being studied. With these different approaches and focuses, this research is expected to be able to complement and enrich existing literature. The research methods used are as follows: ¹⁴

1. Types of Research

Based on the title of the research and the formulation of the problem that has been explained above, the type of research that will be used in this study is normative jurisprudence, with the aim of examining more deeply related to existing regulations in Indonesia and Islamic law on the effectiveness of supervision of the buying and selling of sex dolls in the market. The normative juridical approach is a type of research that focuses on the study of several laws and regulations, legal principles, and doctrines related to the supervision of the sale and purchase of sex dolls in Indonesia in the market.

¹⁴ Ahmad Riady, "ISLAMIC LAW REVIEW USE OF SEX TOYS Ahmad Riady," Diktum: *Jurnal Syariah dan Hukum*, no 1 (2020) 313
<https://ejurnal.iainpare.ac.id/index.php/diktum/article/view/1141/749>.

Through this approach, this study will examine several existing legal provisions, such as:

- A. Law of the Republic of Indonesia Number 7 of 2014 concerning Trade,
- B. Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography,
- C. Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE).
- D. Regulation of the Minister of Trade of the Republic of Indonesia Number 25 of 2022 concerning Import Policies and Regulations,
- E. Regulation of the Minister of Communication and Information Technology Number 5 of 2020 Private Scope Electronic System Operators.
- F. And Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade through Electronic Systems

In addition to using applicable laws and regulations in Indonesia, this study also analyzes from the perspective of maqoshid sharia and other Islamic legal bases in the context of religion. The purpose of this analysis is to gain a deeper understanding of the supervision of sex doll sales in Indonesia in the market from the perspective of the ministry of trade and maqoshid sharia.

2. Research Approach

In normative legal research, there are several commonly used research approaches that help analyze legal issues comprehensively. However, in this study, the author limits the use of approaches to only

two, which are considered the most relevant and effective in obtaining the necessary information and answers related to the legal issues being examined. These two approaches are selected based on their ability to provide a focused and in-depth understanding of the legal norms and principles involved. The approaches used in this research include the statute approach and the conceptual approach:

1. Statute Approach

This research applies a regulatory approach by examining Law of the Republic of Indonesia Number 7 of 2014 concerning Trade, Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography and Electronic Transactions and Government Regulations, namely Regulation of the Minister of Trade of the Republic of Indonesia Number 25 of 2022 concerning Import Policies and Regulations and Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems. This approach aims to criticize the supervision of the sale of sex dolls in Indonesia in marketplaces that are still traded and accessible to all groups.¹⁵ Both of these rules are very sustainable for supervision to urge minors not to use their own sex dolls in Indonesia in the market, because if there are no regulations supported in circulation and use, then the use and circulation of these goods can be potentially negative for the community.

2. Conceptual Approach

In this study, a conceptual approach is used to comprehensively analyze the supervision of the buying and selling of sex dolls in Indonesia through online markets, seen from the dual perspective of

¹⁵ Markus Djarawula, Novita Alfiani, and Hanita Mayasari, "Tinjauan Yuridis Tindak Pidana Kejahatan Teknologi Informasi (Cybercrime) Di Indonesia Ditinjau Dari Perspektif Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik," *Jurnal Cakrawala Ilmiah* 2, no. 10 (2023): 3799–3806, <https://doi.org/10.53625/jcijurnalcakrawalailmiah.v2i10.5842>.

the Ministry of Trade and the principles of Maqashid Syariah. This approach takes into account the positive laws that apply in Indonesia and the normative guidance provided by Islamic law. It focuses on examining basic legal concepts related to government surveillance mechanisms, the regulation of electronic information and transactions, as well as the legal framework surrounding the distribution and circulation of pornographic goods. Through this lens, this research aims to understand how current legal instruments define and regulate the sale and distribution of sex dolls, including how the Ministry of Commerce exercises its supervisory authority in the digital commercial space.

Furthermore, this study investigates the perspective of Islamic law, specifically how Maqashid Shariah, which emphasizes the protection of religion, morality, intellect, and public decency, provides ethical and legal reasoning to prevent the widespread circulation of sex doll-like items.¹⁶ The ultimate goal of this approach is to offer a comprehensive understanding of the intersection between state law and religious principles in dealing with the sale of sex dolls, while also highlighting the potential social and moral harm that may arise if the commodity is not properly regulated.

3. Source Of Legal Materials

In normative legal research, only secondary data is known without primary data, but secondary data is a type of data in the form of sources of legal material, including:¹⁷

¹⁶ Muhamamad FAHMI, *ANALISIS PENGUNAAN ROBOT WANITA SEBAGAI PENGANTI PEMENUHAN KEBUTUHAN SEKS PERSP EKTIF MAQASHID SYARI ' AH DAN PSIKOLOGI* TESIS Diajukan Kepada Universitas Islam Negeri Kyai Haji Ahmad Siddiq Jember Untuk Memenuhi Persyaratan Memperoleh Gelar Magister.

¹⁷ Amiruddin Zainal Asikin, *Introduction to Legal Research Methods*, 1 ed. (Jakarta: PT Raja Grafindo Persada, 2006), 31

1. Primary Legal Material

Primary legal material is legal material consisting of laws and regulations, official minutes, court decisions and official State documents. In this discussion, the author uses 3 legal materials sourced from; Law of the Republic of Indonesia No. 7 of 2014 concerning Trade, Law of the Republic of Indonesia No. 44 of 2008 concerning Pornography, Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE), Government Regulation of the Republic of Indonesia No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, Regulation of the Minister of Trade of the Republic of Indonesia No. 25 of 2022 concerning Import Policies and Regulations, Regulation of the Minister of Communication and Information Technology Number 5 of 2020 Operators of Electronic Systems in the Private Scope, and Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems As well as decisions on the results of previous scholars' *ijtihad* on Islamic principles and other regulations that are still related to this research.

2. Secondary Legal Material

Legal materials are resources that include various forms of legal and scientific documentation, including law books, law journals that contain basic legal principles, expert opinions (doctrines), legal research results, legal dictionaries, and legal encyclopedias. These materials play an important role in the development and analysis of legal arguments and frameworks. In this study, the authors rely on secondary legal material gathered from a variety of references, including academic books, peer-reviewed scientific journals, scholarly articles, undergraduate theses, graduate dissertations, and credible websites that discuss legal regulations and present the perspectives of legal experts or practitioners relevant to the issue

under investigation. These resources are invaluable for gaining a deeper and more nuanced understanding of legal issues, as they provide theoretical and practical insights into the subject matter. By offering a comprehensive context, historical background, comparative perspectives, and interpretations based on existing legal frameworks, this material contributes significantly to the formulation of well-informed legal analysis. They also help bridge the gap between abstract legal theory and its practical application in real-world scenarios, allowing for a more thorough exploration of the regulatory, ethical, and doctrinal dimensions involved in the research topic.

3. Tertiary Legal Material

Tertiary legal material consists of sources that provide additional information and context, although it does not serve as a binding legal norm or primary reference in legal argumentation. Examples of this material include legal encyclopedias, legal dictionaries, general law commentary, and reputable websites or institutional reports that offer summaries, interpretations, or overviews of laws and policies primarily relevant to the supervision of sex doll sales on the Marketplace. In the context of this research, tertiary legal materials play an important supporting role by offering a broader and more general understanding of the legal environment surrounding the issue. They contribute to the clarification of legal terminology, concepts, and background information that may not be comprehensively discussed in primary or secondary legal sources. In addition, this material assists researchers in contextualizing legal developments, identifying trends, and understanding how legal discourse has evolved over time, especially in areas that intersect with societal norms, ethics, and digital commerce. By bridging information gaps and improving the research interpretation framework, tertiary legal materials enrich research and support a more holistic and

multidimensional analysis of regulatory oversight related to the distribution of sex dolls through digital platforms.

4. Methods of Collecting Legal Materials

The method of gathering legal materials for research on the supervision of the sale of sex dolls in the market is carried out through systematic measures aimed at ensuring that the information obtained is relevant and accurate. First, the researcher will conduct a literature review by accessing various types of legal sources, both primary, secondary, and tertiary. The primary legal materials to be studied include relevant laws and regulations, such as: Law of the Republic of Indonesia No. 7 of 2014 concerning Trade, Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography, Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems, Regulation of the Minister of Trade of the Republic of Indonesia Number 25 of 2022 concerning Import Policies and Regulations, and Regulation of the Minister of Communication and Information Technology Number 5 of 2020 Private Scope Electronic System Operators, Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems, as well as the results of the *ijtihad* of previous scholars on *Maqoshid Syariah*. In addition, the author searches websites and other literature.

Second, the researcher will gather secondary and tertiary legal materials to deepen the analysis and gain a broader perspective on the supervision of sex doll sales. This activity includes comparing references with scientific journals, books, articles, and legal

commentaries that discuss the positive aspects of Islamic law and law in the context of supervising the buying and selling of sex dolls in the Marketplace. Researchers will also make use of online resources, such as the official websites of government agencies and research reports that provide the latest information on policies and developments in the field of technology.

5. Legal Material Analysis Methods

The method of analysis of legal materials in the study on the supervision of the sale of sex dolls in the marketplace. adopts a qualitative approach, which aims to assess and interpret the information that has been collected from various sources. In this analysis process, the researcher will examine relevant laws and regulations, such as Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography, Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), Government Regulation of the Republic of Indonesia Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, Regulation of the Minister of Trade of the Republic of Indonesia Number 25 of 2022 concerning Import Policies, Government Regulation of the Republic of Indonesia Number 80 of 2019 concerning Trade Through Electronic Systems and Regulations, as well as the decision of the *ijtihad* results of previous scholars on *maqoshid sharia*. In order to gain a more to the comprehensive understanding of the supervision of the practice of buying and selling sex dolls in Indonesia on the marketplace in the field of technology.

F. Operational Definition

1. Sex Dolls

A. Definition of Sex Dolls

Sex dolls in this study are defined as artificial products that physically resemble the human body, designed specifically for the purpose of sexual gratification.¹⁸ These products are generally made of materials such as silicone or latex and have realistic sexual anatomical features. In its development, sex dolls are also equipped with technologies such as artificial intelligence (AI), voice, and automatic movements, which makes them known as "sex dolls". This product is marketed globally and can be found on various digital marketplace platforms, although its circulation in Indonesia often violates applicable regulations.

In essence, humans are social creatures who are created imperfect. Human imperfections are an inherent part of every individual, and it is something that every other human being, especially his or her partner, should accept and appreciate. As the technological era develops, which greatly affects the pattern of human interaction with each other, it also enters the most intimate field. Most of the time in a poem, men often depict female figures using their own fantasies rather than expressing the obvious reality of female behavior. Such unrealistic standards began to be created by experts in the field of dolls. In producing sex dolls that are acceptable as human companions, the creator of the sex doll who equips the doll will have an impact on the pattern of human interaction with each other in social relationships one day. In response to this, scientists believe that female

¹⁸ Rhafshanjanie Prawira Negara and Frans Simangunsong, "Jual Beli Sex Toys Dalam Prespektif Hukum Pidana Di Media Online," *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 2, no. 2 (2022): 703–13, <https://doi.org/10.53363/bureau.v2i2.99>.

sexplots will erode the idea of how men and women interact with sex that is highly inhumane in male-female relationships.¹⁹ The existence of sex dolls is feared to have a bad impact on human behavior to become anti-social because they are used to interacting with dolls. It is possible because sex dolls can create the idea that women are ideal beings and always obey everything, they want so that if in the real world they find something that does not correspond to what they want, it is difficult to accept it. Sex dolls are tool services created specifically for sexual interaction with humans. They have combined affective computing, sensory perception, and software to mimic physiological responses by using the meat-like silicon technology used in sex dolls.

Today, sex dolls are still in their early stages because their function is based on the ability to respond to censorship and does not yet have the ability to think and determine its own attitudes. However, this object has been accompanied by other technologies such as artificial intelligence, along with the development of the Doll era will continue to develop more sophisticated that will be physically difficult to distinguish from real women as experts continue to strive to perfect the technology so that it is identical to women, responsive to all the senses, able to communicate imitating the full spectrum of human emotions, and can make its own choices. Another opinion says that Sex dolls may seem like a new phenomenon, but their origins can be traced back centuries. The concept of sex dolls designed for sexual pleasure dates back to the 16th century when French and Spanish sailors created hand-sewn dolls from leather and used clothes for masturbation. Throughout history, artists such as Hans Bellmer, Man

¹⁹ PRADIPA WICAKSONO MUHAMMAD, "FENOMENA BONEKA SEKS DALAM PERSPEKTIF TAFSIR KONTEMPORER : SEBUAH STUDI TEMATIK" (UNIVERSITAS ISLAM NEGERI USHULUDDIN SULTAN SYARIF KASIM RIAU, 2025), <http://repository.uin-suska.ac.id/86044/2/SKRIPSI MPW.pdf>.

Ray, and Salvador Dali have used mannequin-based artwork as a source of inspiration for the development of modern sex dolls. In the late 1970s, sex dolls began to appear in porn magazine advertisements and began to be available for sale in the mail.

These early sex dolls were prone to damage due to their inflated nature. To increase its durability and enhance its human-like appearance, manufacturers began to use latex and silicone in the production of sex dolls. In the late 1990s, sex doll realism came to a rapid halt with the introduction of realistic, human-sized, and reversible silicone rubber mannequins.²⁰ While sex dolls are now increasingly looking realistic, the next step in their evolution includes the incorporation of artificial intelligence (AI) technology. Sex dolls with abilities designed to offer companionship and mimic human-like interactions. One example is Harmony, a replica of a Japanese female android, created by Matt McMullen. Harmony allows users to customize their appearance, personality, clothing, and voice, making them an ideal match for those looking for companionship. Sex dolls have the potential to develop further and develop emotions similar to humans. Futurists predict that by 2050, sex dolls will become commonplace in society, with large populations of individuals engaging in sexual relations with these artificial beings. With the advancement of virtual reality (VR) technology, virtual sexual experiences can replace the need for sexual intercourse between humans. Despite the controversy and moral debate surrounding sex dolls, the sex industry continues to grow rapidly, driven by digital platforms, relationship apps, and advances in 3D printing. The potential economic impact of the sex doll market is expected to reach billions of dollars in the coming years.

²⁰ Nicola Döring, M. Rohangis Mohseni, and Roberto Walter, "Design, Use, and Effects of Sex Dolls and Sex Robots: Scoping Review," *Journal of Medical Internet Research* 22, no. 7 (2020), <https://doi.org/10.2196/18551>.

Sex dolls have emerged as a technology that pushes the boundaries of human sexuality. With a rich history dating back centuries, advances in sex dolls, and the integration of artificial intelligence, the future of sex dolls looks promising. However, the morality, ethics, and social implications of these advances are the subject of ongoing debate. As the sex doll market continues to grow, it's important to consider its impact on human relationships, the economy, and our overall well-being. Although the future of sex dolls is still uncertain, their presence in society is undeniably evolving, shaping the way humans engage with technology and redefining intimacy.

In the context of this study, sex dolls are positioned as objects of study that raise issues from legal aspects and moral values. In terms of trade regulations, this product is not included in the list of legal goods to be traded freely in accordance with the regulations of the Ministry of Trade of the Republic of Indonesia. Meanwhile, from the perspective of Maqashid Sharia, the existence and use of sex dolls is contrary to the purpose of Islamic sharia in maintaining reason, morality, and heredity. Therefore, the study of sex dolls through a positive legal approach and sharia values is relevant to assess their impact on society and the legal system in Indonesia.

B. Advantages and disadvantages of sex dolls

1) Advantages of Selling Sex Dolls on the Marketplace

The sale of sex dolls on the market, although controversial, still has several advantages when viewed from an economic and technological point of view. First, from an economic aspect, the sex doll industry, especially those based on sex dolls with artificial intelligence (AI), has a high global market value. Several countries, such as Japan, China, and the United States, make this industry one of

the profitable business sectors. In global markets such as Amazon or Alibaba, these products have their own market segment with loyal consumers. For some businesspeople, selling sex dolls can create new economic opportunities, opening up jobs in manufacturing, technology, and distribution.

Second, from the consumer side, the market provides easy and private access to those products, thus satisfying the sexual needs of certain individuals without involving others. In liberal views, the existence of sex dolls is considered a "safe" alternative to suppressing the practice of prostitution, sexual violence, or extramarital relationships. With the help of technology, some sex dolls have now been designed in such a way that they can automatically interact, speak, and provide human-like sensations, which are referred to as "sex dolls". This shows that there are advances in sex doll development technology and artificial intelligence, which can generally encourage innovation in various other sectors. Marketplace is an effective distribution channel for these products because it can reach a wide market online.²¹

1. Disadvantages of Selling Sex Dolls on Marketplace

Behind its economic potential, the sale of sex dolls in the market poses many drawbacks, especially when viewed from a legal, social, and moral perspective. In Indonesia, the existence of this product has the potential to violate several important legal regulations. Law No. 44 of 2008 concerning Pornography expressly prohibits the production, dissemination, and trade of objects containing pornographic elements, including sexual aids that explicitly resemble human organs. In addition, the Regulation of the Minister of Trade of

²¹ Negara dan Simangunsong, "Jual Beli Mainan Seks dalam Perspektif Hukum Pidana di Media Online."

the Republic of Indonesia also does not regulate or provide permits for the import of sex dolls, so this product is classified as a prohibited item. Many sex dolls entering Indonesia come from abroad illegally, without customs, and use unclear labels to avoid detection by authorities.

From a social and cultural perspective, the existence of sex dolls has the potential to damage people's moral values. Indonesia, as a country with a strong eastern culture and religious values, places politeness and honor as important aspects of people's lives. The free sale of these products can normalize deviant behaviors, such as sexual dependence on inanimate objects, decreased interest in real human relationships, and mental breakdown due to social isolation. In the context of Maqashid Shari'ah, the sale of sex dolls is contrary to three main purposes: preserving religion (*ḥifẓ ad-dīn*), preserving reason (*ḥifẓ al-'aql*), and preserving offspring (*ḥifẓ an-naṣl*). The consumption of this product not only does not bring benefits but also has the potential to bring mafsadah (damage) to individuals and society in general.²²

In addition, the existence of products like this in the marketplace can tarnish the reputation of the e-commerce platform itself. Marketplaces such as Tokopedia, Shopee, or Bukalapak have a diverse user base, including children and religious communities. If the market can't strictly screen products, they risk losing public trust, facing pressure from governments, or even being blocked by regulators. The online sale of sex dolls also complicates the surveillance process, as products can be disguised in the category of "medical devices" or "personal products", making them difficult to

²² adar BakhshBaloch, "'kebebasan Jual Beli Alat Kontrasepsi Secara Online Perspektif Peraturan Pemerintah Nomor 82 Tahun 2012, Undang-Undang Nomor 11 Tahun 2008, Dan Sadd Adz-Dzari'ah" Title."

detect by automated moderation systems.

2. *Maqosid Syariah*

A. Definition of Maqashid Syariah

Maqāshid al-Sharī'ah is literally a murakab idhafi sentence consisting of the sentences maqāshid and al-Sharī'ah. There are two ways to find out the meaning of maqāshid al-Sharī'ah, namely lughawi and ishtilahi, where the two meanings are interrelated in 'umûm khushûs muthlak. Logically, maqāshid al-Sharī'ah consists of two words, namely "maqāshid" and "al-Sharī'ah". Maqāshid is the plural form of the word maqshad which is the form of masdar mimi.¹⁷⁷ Maqshad linguistically has several meanings: first, a handle; bringing something, second, the straight path, third, justice; balance, fourth, fraction.

Meanwhile, "al-Sharia" is a form of wazan "fa'īlaton" with the meaning of "maf'ūlaton"¹⁷⁹ which means the way to a source of water or a source of life.¹⁸⁰ In the term ishtilahi, al-Sharia has several meanings, one of which is the provisions revealed by Allah SWT to His servants through the Prophet PBUH, which includes 'aqidah, 'amaliyah, and morals. In addition, the definition of Maqāsid according to etymology should be istiqrā' about the procedure of its use in Arabic, and know the origin of the sentence, and see the extent of its correlation with the meaning of sharia'.

In the terminology of ushul fiqh, according to Wahbah al-Zuhaili, maqāshid al-Sharia is the values and goals of sharia' that are implied in all or most of its laws. These values and objectives are seen as the goals and secrets of Sharia, which are set by al-Sharia (the makers of Sharia) in every provision of law.¹⁸² Thus, Maqāshid al-Shariah is the content of values that are the ultimate goal of the

enactment of Sharia law.²³

The maqashidi scholars of the classical period have not provided a comprehensive definition of maqashid al-sharia because the discourse of maqashid al-sharia is still part of the fiqh proposal. Only modern scholars have given a detailed definition of maqashid al-shari'a.

Ibn Assyria gave the meaning of maqasyid al-sharia as follows:

هِيَ الْمَعَانِي وَالْحِكْمُ الْمَلْحُوظَةُ لِلشَّارِعِ فِي جَمِيعِ أَحْوَالِ التَّشْرِيعِ أَوْ مُعْظَمِهَا
بِحَيْثُ لَا تَخْتَصُّ مِلَّاخَظَتُهَا بِالْكَوْنِ مِنْ نَوْعٍ خَاصٍّ مِنْ أَحْكَامِ الشَّرِيعَةِ فَيَدْخُلُ
فِي هَذَا أَوْصَافُ الشَّرِيعَةِ وَغَايَاتُهَا الْعَامَّةُ وَالْمَعَانِي الَّتِي يَخْلُو التَّشْرِيعُ عَنْ
مِلَّاخَظَتِهَا وَيَدْخُلُ فِي هَذَا أَيْضًا مَعَانٍ مِنَ الْحِكْمِ لَيْسَتْ مَلْحُوظَةً فِي سَائِرِ
الْأَحْكَامِ وَلَكِنَّهَا مَلْحُوظَةٌ فِي أَنْوَاعٍ كَثِيرَةٍ مِنْهَا

"Maqasyid al-syariah is the meaning and wisdom emitted by sharia in every provision of the law. This does not apply to certain types of laws, including within this scope all the nature, general purpose, and meaning of Sharia contained in the rule of law, including the meaning of the law which is not listed in some laws, but contained in other laws".²⁴

From Ibn "Ãsyûr's understanding, it can be understood that maqâshid al-Shay'ri'ah lies in the broad interpretation of the law

²³ MUHAMMAD, "FENOMENA BONEKA SEKS DALAM PERSPEKTIF TAFSIR KONTEMPORER : SEBUAH STUDI TEMATIK."

²⁴ Agus Hermanto, Metode Ijtihad MAQASHID AL-SYAR'AH dan Reformasi Hukum Keluarga Islam, 2022.

without being specific to certain laws. From this definition, it can be concluded that *maqāshid al-Syārī'ah* are the values that are the reference for the establishment of law, and that their values are universal in the sense that they are not specific to one or two legal cases. in the *maqasyid al-sharia* itself, as explained by Ibn Taymiyyah which he often used in the context of *maqashid*, whereby knowing these terms, we can understand the meaning of the *maqasid* constructed by Ibn Taymiyyah, who was the first person to promote *maqasid al-sharia*. The terms are:

- 1) In the deeds of Allah swt., there is a beloved purpose and a great reward.
- 2) Al-Hikma is the result of Allah's purpose and the purpose of the deed.
- 3) Whoever believes that the Shari'ah includes *mashlahat* and *maqāshid* for people in this world and in the hereafter, then it is clearly wrong. This is known through al-emergency.

Sharia maqashid can be examined from the *lughawi* (linguistic) meaning, which is a compound term formed from two Arabic words: *al-maqashid* (المقاصد), which means "purpose" or "purpose", and *al-sharia* (الشريعة), referring to Islamic law. Broadly speaking, *maqashid al-syariah* refers to the overall purpose or purpose behind the implementation of Islamic law.²⁵ The essence of *sharia maqashid* lies in the pursuit of benefits (*maslahah*) and the prevention or elimination of harm (*mafsadah*), which aims to promote goodness and prevent evil in the lives of individuals and society. In other words, the ultimate goal of *sharia maqashid* is to ensure the realization of human welfare

²⁵ Zainuddin Sunarto, Putri Nur Afrida, and Ulfia Nurianti, "Kajian Maqashid Al-Shari'ah Terhadap Nilai-Nilai Islami Pada Sebuah Transaksi," *HAKAM Jurnal Kajian Hukum* 6, no. 1 (2022): 85, <https://ejournal.iainbengkulu.ac.id/index.php/Al-Intaj/article/download/1110/957>.

both in the temporal and spiritual dimensions.²⁶

These goals are usually categorized into five important protections known as *daruriyyat al-khamsah*, which include the preservation of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage or heredity (*hifz al-nasl*), and property (*hifz al-mal*). Each of these goals plays an important role in maintaining social order, ethical integrity, and human dignity. Within this framework, every law in Islam is ideally designed to align with one or more of these basic objectives.

Therefore, in the context of this study, the concept of *sharia maqashid* is very relevant in evaluating the ethical and legal implications of regulating the sale and distribution of sex dolls. It provides a normative basis for assessing whether the practice contributes to or undermines the purposes of Islamic law, especially in terms of preserving morality, protecting societal values, and preventing the spread of harmful content in public spaces. Thus, *the sharia maqashid* not only serves as a theoretical guideline but also as a practical tool in shaping policies and laws that reflect Islamic ethical principles.

B. Development of Maqashid Syariah

Like most other sciences that go through several phases from formation to maturity, the concept of *maqāshid al-Shia* is not directly formed into an independent discipline, but the process of its formation goes through several developments so that it becomes a systematic discipline. The history of the development of *Maqāshid al-Syariah* was initially limited to the "rules of *al-Maqāshid*" spread in the Qur'an

²⁶ adar BakhshBaloch, "'kebebasan Jual Beli Alat Kontrasepsi Secara Online Perspektif Peraturan Pemerintah Nomor 82 Tahun 2012, Undang-Undang Nomor 11 Tahun 2008, Dan Sadd Adz-Dzari'ah" Title."

and Sunnah, the words and deeds of the Companions, and the books of the scholars. The emergence of maqāshid al-Syariah went hand in hand with the arrival of sharia from the Qur'an and Sunnah. This can be seen from several words of Allah SWT such as:²⁷

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

Meaning: "Allah SWT wants ease for you, and does not want difficulties for you..., (QS. Al-Baqarah:185)

وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

Meaning: and He never made for you in religion narrow..., (QS. Al-Haj: 78).

There are many other verses that prohibit various forms of rule-breaking, injustice, bad acts, destruction, exploitation and other aspects of social evil. The above description is the existence of al-Maqāshid in the Qur'an, where all the verses that have been mentioned and even all the verses in the Qur'an are basically beneficial. As for the affirmation of Maqāshid al-Shari'ah in the Hadith as the Prophet said:²⁸

لَا ضَرَرَ وَلَا ضِرَارَ

²⁷ Sunarto, Afrida, and Nurianti, "Kajian Maqashid Al-Shari'ah Terhadap Nilai-Nilai Islami Pada Sebuah Transaksi."

²⁸ Muhamamad, "ANALISIS PENGUNAAN ROBOT WANITA SEBAGAI PENGANTI PEMENUHAN KEBUTUHAN SEKS PERSPEKTIF MAQASHID SYARIAH DAN PSIKOLOGI TESIS Diajukan Kepada Universitas Islam Negeri Kyai Haji Ahmad Siddiq Jember Untuk Memenuhi Persyaratan Memperoleh Gelar Magister."

Meaning: There is no danger and there is no danger (HR. Imam Malik).

The purpose of this hadith in the maqashid sharia is to have basic principles in daily life, encouraging Muslims to avoid actions that can harm themselves and others. Because seeing the meaning of hadith as the basis for consuming Sharia itself, that is, it does not cause harm and does not make maadharatan in the sense of not wanting to hurt and not wanting to be harmed.

When viewed from the aspect of language (linguistics and grammar), this hadith has a very deep meaning, including the words dharar and dhirār, which have the same meaning but have different objects. The meaning of dharar is an action that is done by oneself and is only harmful to oneself, while dhirār is an action that is interrelated (performed by two or more people) and can be dangerous, both for oneself and others.

The emergence of Sharia maqāshid can be traced from the method of legal discovery of scholars who made qiyas as one of the sources of law before the discipline of ushul fiqh was prepared. Qiyas is built on several criteria, namely the existence of 'illat, removing 'illat from a law, clarifying 'illat from a law, validating something that can be used as 'illat, and discussion of munāsabah. All of this comes down to a discussion about the maqāshid of Sharia.

Qiyas in the science of ushul fiqh, qiyas is interpreted as a tip to establish a law whose case is not found in nash by equating cases contained in nash because of the similarity of the law of 'illat. In other words, establishing new case law that did not exist in the previous period in causes, benefits, dangers, and various aspects with the

previous case, so that the same law applies.²⁹

As for the example in the field of selling sex dolls where the goods are alluded to something that is prohibited by the state and religion such as liquor or illegal drugs, then it is clear that the sale of these goods should not be circulated freely and there must be supervision of every consumer so as not to cause negative potential for society.

C. Blasphemy of Maqashid Syariah

Knowledge of the Maqāsid of the Shari'ah, as affirmed by Abd al-Wahhab Khallaf, is a very important thing that can be used as a tool to understand the editing of the Qur'an and the Sunnah, to resolve the contradictory postulates and most importantly to establish the law over cases that are not covered by the Qur'an and the Sunnah in terms of linguistic studies.

The position or legitimacy of sharia maqashid as the legal basis in establishing and understanding Islamic law. Maqashid sharia itself means the goal of Islamic sharia, which is the goal that Allah SWT wants to achieve in determining His sharia law. This goal is centered on the benefit of humans in this world and the hereafter. In general, scholars divide the sharia maqashid into five main things that must be maintained, namely: religion (dien), soul (nafs), intellect ('aql), descent (nasl), and property (maal).

The submission of maqashid syariah is recognized by the majority of scholars, both from ushuliyyin (ushul fiqh experts) and fuqaha (legal experts). Scholars such as Imam al-Ghazali, Ash-Syatibi, and al-Thufi affirmed that the sharia maqashid is the essence

²⁹ Siti Mupida dan Siti Mahmadatun, "Maqashid Syariah dalam Fragmentasi Fiqh Muamalah di Era Kontemporer," *Jurnal Syariah dan Hukum Al-Mawarid (JSYH)* 3, no. 1 (2021): 26–35, <https://doi.org/10.20885/mawarid.vol3.iss1.art3>.

of the sharia itself. Imam al-Ghazali stated that Sharia was not established except for the benefit of mankind. In al-Mustashfa, he states that Sharia law aims to preserve the five main things, and something that guarantees the maintenance of these five things is maslahat, while what eliminates them is mafsadat. Therefore, the law is established to realize the benefits and reject mafsadat.³⁰

Ash-Syatibi, in the book al-Muwafaqat, provides a strong theoretical foothold for the maqashid of the Shari'a. He emphasized that sharia law is rational and always leads to profit. According to him, the sharia of maqashid is not only a complement to the birth (excavation) of the island's law but is the main reference. In fact, he stated that there is not a single sharia law that comes out of this maqashid framework. Thus, laws that are not in line with maqashid can be reviewed, even rejected if they are substantially contradictory. This maqashidi approach provides room for flexibility and relevance of Islamic law with the times. The blasphemy of the sharia of maqashid is also strengthened by the practice of ijtihad by scholars in Islamic history. Many fatwas and policies of the caliph were issued on merit considerations, despite the absence of explicit textual evidence. For example, Caliph Umar bin Khattab delayed law enforcement of cutting off the hands of thieves during times of famine to preserve the soul and social justice. This decision is based on maqashid: guarding the soul and avoiding tyranny. These practices are tangible evidence that the sharia maqashid has a valid position (valid and can be used as a basis) in the determination of the law.

Thus, the sharia maqashid has a strong blasphemy within the framework of Islamic law. This is not only a moral or ethical

³⁰ Tanza Dona Pertiwi dan Sri Herianingrum, "Mengeksplorasi Konsep Maqashid Syariah: Perspektif Pemikiran Tokoh Islam," Jurnal Ilmiah Ekonomi Islam 10, no. 1 (2024): 807, <https://doi.org/10.29040/jiei.v10i1.12386>.

approach, but also an epistemological and methodological approach in Islamic law. Contemporary scholars such as Yusuf al-Qaradawi and Taha Jabir al-Alwani emphasized that maqashid must be used as the basis for the renewal of Islamic law so that sharia remains relevant to the dynamics of the times and still guarantees the benefits of the ummah. The blasphemy of maqashid gives directions that Islamic law is not only legalistic, but also humanistic, progressive, and oriented towards the good as a whole.s.

3. Marketplace

A. Definition and Characteristics of Marketplace

Marketplace is operationally defined as an internet-based digital platform that functions as an intermediary between sellers and buyers in conducting online transactions to buy and sell goods or services. In this context, the marketplace not only provides a space to display products but also provides a support system that includes product catalogs, payment services, delivery systems, and interaction features between sellers and buyers such as reviews, chats, and product ratings.

Marketplaces have the characteristics of being a multi-vendor platform, where multiple sellers can offer their products in a single digital container. These platforms are accessed through websites or mobile applications and generally have an integrated transaction system that facilitates the buying and selling process from start to finish. Due to their open and extensive nature, marketplaces also have the potential to be abused for activities that violate laws or social norms, such as the dissemination of pornographic content or goods.³¹

³¹ Rina Irawati and Irawan Budi Prasetyo, "Pemanfaatan Platform E-Commerce Melalui Marketplace Sebagai Upaya Peningkatan Penjualan Dan Mempertahankan Bisnis Di Masa Pandemi (Studi Pada UMKM Makanan Dan Minuman Di Malang)," *Jurnal Penelitian Manajemen Terapan (PENATARAN)* 6, no. 2 (2021): 114–33.

Marketplace is a term that is quite popular among the public. Judging from the meaning of the word, a marketplace is a place similar to a marketplace where a person can sell or buy goods. The marketplace itself is a platform that has the task or use of the Marketplace itself, namely as an intermediary between sellers and buyers to carry out the product transaction process online. Marketplaces or online marketplaces also provide various facilities such as payment methods, estimated delivery, product selection by category, and other features. With the features provided or created by the organizer, sellers and buyers will meet online on the website that has been provided by the marketplace owner. After the agreement, the buyer will make the payment and then the goods will be packed and shipped by the seller according to the address agreed in advance.

What is another definition of a marketplace in general, can be interpreted as an application or website that acts as an intermediary between sellers and buyers in cyberspace, as well as acts as a third party that not only provides a meeting place between sellers and buyers but also payment transactions.

Definition of Marketplace, according to experts from many opinions that have developed, the author will mention 3 definitions of marketplace according to the following experts.³²

1. Oppida

Marketplace is one of the providers of internet-based online media where business activities and transactions are carried out between buyers and sellers. Buyers can find as many suppliers as

³² Tricia Dunn, *Marketplace*, ed. M Alaika. Kurnia Bagus, *IEEE Internet Computing*, vol. 6 (SURABAYA: Isa Saburai Hak, 2021), <https://doi.org/10.1109/MIC.2002.1003125>.

possible with the desired criteria to be obtained according to the market price.

2. Starraus

Marketplace is the use of electronic data as well as applications for the planning and implementation of the conception, price of an idea, distribution of goods and services to create exchanges that suit the purpose.

3. Smith dkk

Online marketplace is the application of digital technology as a means to achieve marketing goals. By using an internet network that can be accessed by everyone without any restrictions.

From the understanding of experts, it can be drawn that the marketplace is a forum or place for traders and buyers to gather to make online transactions by knowing the duties and obligations of each party with the same goal, namely an agreement without any coercion, then the result of the agreement will get what their goals or desires are.

The marketplace itself has several types that are divided into several types according to their function. The following is the division of the various marketplaces:

1. Marketplace Murni

The first type is pure marketplace, which has an important role as a facilitator between sellers and buyers. Here, sellers are free to make various product transactions, as well as manage payments, displaying information about the product, product quality and various prices. The online

marketplace only acts as an intermediary and delivers the products to the buyer. Thus, sellers can take care of and manage various activities more flexibly in accordance with applicable platform regulations. Buyers can also conduct the price bidding process to product sellers freely and without binding rules from the platform.

Sellers are also required to include information and data related to the products marketed in complete detail. To make it easier and convince buyers to buy the product. The description of the item must also be in accordance with the condition and shape of the item, so that the credibility of your store or brand is well maintained

2. Consignment Marketplace

As for the type of marketplace Next, there is a consignment marketplace which is a type of online marketplace where sellers only have access to deposit products. This means that the seller can only provide the goods and submit detailed descriptions of the goods information. The task of the marketplace here is as an intermediary, as well as managing payment affairs, delivery of goods, product photos, and so on. So, for this type, all types of buying and selling transactions are left to the platform. The seller only provides goods.

The pricing process will be done by the platform itself. Examples of platforms that have implemented a consignment market are Zalora and Berrybenka. The fundamental difference with online marketplaces lies

purely in the responsibility of the seller of the product, as well as the process of buying and selling transactions.

3. Marketplace Horizontal

Furthermore, horizontal marketplaces are websites and applications that sell various goods and services from various categories. Usually, horizontal markets label themselves as one-stop shops by relying on convenience as their main selling point. The horizontal marketplace type provides a variety of goods, ranging from cosmetics, clothing, food, beverages, electronics, books to furniture for household needs. Examples of horizontal markets created by the nation's famous children are Tokopedia and Bukalapak.

Horizontal marketplaces also categorize based on the products they sell that are usually reachable by many general consumers. Examples of products such as gadgets, clothing, accessories, food, and others. With such an example of a product, it is categorized because of the price of the product that can still be reached by ordinary consumers.³³

4. Marketplace Vertical

In contrast to the horizontal type that offers a wide range of products, the vertical concept of a marketplace is a site with its own specialization. Vertical marketplaces will only market products from one specific category through

³³ Triyugo Winarko Tukino, Dahlan Abdullah, Mekar Meilisa Amalia Yudi Nur Supriadi, *STRATEGI BISNIS E-COMMERCE*, ed. Hutahaean Jeperson AzharZulfi (MEDAN: Yayasan Kita Menulis Web:, 2023).

their website. Raising the vertical concept, one example of a marketplace is Sociolla which focuses on cosmetic and body care products.

Vertical markets are categorized based on specialized products that are sold only to meet the specific needs of other companies. For example, such as raw material sales, concrete sales, steel sales, metal sales, and others. Of course, the products sold in this category are to meet the industrial needs of other companies.

Marketplaces have many examples that can be known ranging from platform types to technical payment methods, and these marketplaces exist all over the world, both in Indonesia and abroad, including:

- World Marketplace

Nowadays, the competition for online marketplaces around the world is fierce. One of the most widely used is the e-commerce platform. There are so many platforms that have emerged due to the increasing interest of consumers to buy goods or services online, considering that it is more time- and energy-efficient than using conventional transactions.

The most basic reason why many consumers switch to using marketplaces is because these online marketplaces usually provide various discounts or discounts. Then, there are also filters related to product categories to make it easier for buyers to choose goods according to their needs.

And most importantly, more effective, fast, and less easy delivery of goods and transactions makes consumers more comfortable interacting with e-commerce platforms through applications that can be accessed on electronic devices without restrictions of place and time.

For example, the most well-known marketplace in the world and has an extensive network is Amazon. One of the largest online marketplace sites in the world, Amazon, was founded in 1995. The founder of this site is Jeff Bezos, who initially only sold products such as food, drinks, books, electronic devices, and many others. Until now, it has accommodated a wide range of brands and more complex categories of goods.

Then, the second largest example of a market from China is Alibaba. The platform was founded by one of the richest people in the world, namely Jack Ma. Hundreds of millions of consumers have become Alibaba infringers, allowing Alibaba to control nearly 80% of the online marketplace in mainland China.

- Online Marketplace in Indonesia

There are many startups that develop products in the e-commerce industry. Because the target market in Indonesia related to the online market is very large. Examples of online market platforms from Indonesia are Tokopedia, Bukalapak, Lazada, Blibli, Shopee, and many other platforms. Currently, Tokopedia has become one of the startups that has developed into a Unicorn-class company, which has a large valuation.

The development of e-commerce in Indonesia is quite significant, so it has given rise to many applications to manage the online market. Factors from technology and social conditions in Indonesia that make the market growth increase rapidly. Consumers who need imported products, just by searching on online buying and selling platforms, consumers can get imported products quickly, without the need to order and go abroad.

In this study, the marketplace is understood as a dynamic digital space and is highly dependent on strict supervision and regulatory systems. Therefore, content management, transaction ethics, and consumer protection are important aspects in assessing the effectiveness and legality of the market, especially in the perspective of positive laws and religious values such as *maqāṣid al-sharī'ah*.

B. Advantages and Disadvantages of Marketplace

The development of marketplaces in Indonesia is now very rapid and has many improvements with the emergence of new marketplaces that offer various interesting features, the marketplace can be said to be like a market in the real world, but the implementation is more accessible without age and time restrictions on the marketplace also offers many products ranging from goods, services, and other needs. From the many features offered to buyers, business actors compete with each other to compete and market products in the marketplace for online businessmen, with the existence of this marketplace it is easier in terms of sales, especially the many trends in this era with public shopping that is starting to shift from online shopping or traditional markets to online shopping with one click, All the needs or desires that we want to have can be realized

as follows: Some advantages and disadvantages of selling a marketplace later:³⁴

1) Pros of Marketplace

a. Gathering Place for Buyers and Sellers

Most people do searches or browsing by opening the market, they definitely want to look for goods or offer goods because on the other hand; To make it easier to sell from the buyer's side, it is also easier to get goods by focusing on finding the products they need.

b. Multiple Merchant Relationships

In addition to the large number of buyers in the marketplace, there are also many sellers with various kinds of products and services that sellers can use to exchange information between fellow sellers, from the information obtained by fellow sellers can build business relationship information and it is possible to work together in the future by helping each other market products.

c. Renting a Cheap and Unknown Shop

If selling in an offline store, we usually have to think about the cost of space, capital costs, and marketing costs, all of which take a lot of time, effort, and money, but for marketplaces the rent is cheaper, and most marketplaces even

³⁴ Masfi Sya'fiatul Ummah, "KELEBIHAN DAN KEKURANGAN MARKETPLACE," *Keberlanjutan (Swiss)* 11, no. 1 (2019): 1–14, http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.

provide free to open a store in the marketplace they have. In addition, the Tampila Marketplace has been designed in such a way that sellers don't have to design the store's look anymore.

If in a traditional store or offline store, sometimes we are also constrained by the season or weather which we have to take into account both during the rainy season and the dry season, but if in an online store the buyer can buy our goods whenever and wherever they are and from the seller side can make a profit and sell the goods whenever and wherever they are.

d. Towards Buyer Reach

Apart from the three advantages above, the marketplace also has the advantage of selling through the products sold, where buyers can easily access and find goods or services with a wider market reach, because the marketplace itself already uses an online network system, in contrast to the offline store system, they must think and have a target market that can only be reached by the surrounding community.

e. More Convincing Buyers

By registering on the marketplace, buyers will be more confident and secure when making transactions. Because the marketplace acts as a third party that holds the sales funds before the goods reach the buyer's hands. Especially if the marketplace is aggressively promoting various media, both online and print, so that it can be better known to many people. Unlike if the seller opens his own online store, surely buyers will feel suspicious of the security of the online store

you have because there are still those who have not guaranteed all their responsibilities.

f. Free Shipping for Buyers

In several large marketplaces in Indonesia, there are those that impose discounts on shipping or free shipping for every product sold to buyers. With this free shipping fee, buyers become more and more interested in shopping, so sales turnover can increase dramatically.

g. COD

Some marketplaces already provide many cash on delivery or pay on the spot facilities. They work with shipping services that support this program, and this makes it easy for buyers to get their goods and sellers earn money when the goods have arrived at the buyer, if anyone wants to buy the product and wants to use a pay-as-you-go service.

2) Disadvantages of Marketplace

a. Competition Between Traders

Of the many sellers who offer their goods in the marketplace, many also have customers so that the competition between traders in the marketplace is very high, there are even some traders who are willing to get small profits as long as they can sell a lot. There are some people who say that online sales are more ruthless than offline sales, but if we know the gap well, then a little bit of trouble is not an obstacle, which means it's just a matter of how we manage the best strategy so that we can compete in the market.

b. Sustainability Not Guaranteed

The market only rents out the place but does not guarantee everything, so future sustainability is not so clear. If the market can survive and can beat other markets, then the markets can be ensured to have a long lifespan, but if they lose the competition, then they can be closed to avoid greater losses.

c. Fee Marketplace

There are several large marketplaces abroad that have been implemented for every transaction that occurs, so if as a trader you have to do the right calculations so that you don't lose money later, you should be able to take into account how the model of goods sold at the selling price can be profitable. However, for several marketplaces in Indonesia that are quite large, the fees made in each transaction have not been applied. Examples of overseas marketplaces that apply fees per transaction are Amazon, eBay, and Etsy.

d. Paid Promotions

Most traders in the market use paid promotion strategies to reach a wider market. The results obtained are not necessarily in accordance with what has been spent on promotional costs. This requires further in-depth study of strategies and other calculations.

e. Strict Regulations

Marketplaces usually have strict regulations that all of their merchants must adhere to. If someone is found to be violating later, then the marketplace does not hesitate to

block the trader so that he can no longer sell on the marketplace. Since you are only renting a place in the market, you will not gain complete control over the market. You are required to comply with the rules created by the marketplace. This is much different if you have your own online store, you can have full control without any restrictions.

f. Brand Awareness Weak

Most buyers who have already shopped will remember the name of the marketplace more than the brand name they bought, so the brand you have will be difficult to recognize among the public. Unlike if you use an online store, you can highlight the brand name you have so that you can be better known in the community.

g. Longer Payments

Since most marketplaces use shared accounts, money from the buyer will be held first until the goods reach the buyer. So, to sell in the marketplace, you need a large enough capital so that the buying and selling process can continue.

From here, we can find out if we sell online in the marketplace there are many advantages and disadvantages that we must pay attention to. However, selling on the marketplace platform is currently still very promising to try, for the introduction of finance as a result of the marketplace's struggle we can easily record using a manual or a sophisticated cashier, that way sellers or those of us who want to try

to transact through the marketplace can be easier, faster, safer and more comfortable.³⁵

C. Potential Marketplace Abuse (including illegal and immoral content).

Marketplace as a digital platform is open by making it easier for anyone to offer products, including prohibited or immoral items such as sex dolls. The sale of goods like this must be eliminated to avoid the negative potential that will befall the Indonesian people. Because the use of the marketplace is not limited to the age of the user and the existence of time and place, if the person in charge of the marketplace platform is not biased to affirm firmly, then there must be legal action imposed on the users of the marketplace platform, both from the creator of the platform and business actors who abuse the marketplace platform.³⁶ The potential that arises from individuals abusing marketplace platforms includes:

a. Dissemination of Illegal and Immoral Content

Illegal content is content that contains positive violations of the law by spreading negative things to the public, generally such as child pornography, terrorism, human trafficking, or the sale of prohibited goods. Immoral content is content that violates religious, cultural, and immoral norms that are referenced in society, although there is not necessarily a written legal rule that prohibits such content from being a spectacle and guidance.

b. Marketplace Responsibilities

³⁵ Fahsa Urfaini Aghniya and Adeh Ratna Komala, "Lebarkan Sayap Penjualan Melalui Marketplace," *Journal of Economics, Management, Business and Accounting* 2, no. 1 (2022): 110–18, <https://doi.org/10.34010/jemba.v2i1.7494>.

³⁶ Difa Amallia and Prastyanti, "Analisis Yuridis Transaksi Jual Beli Alat Bantu Seks Di Market Place Menurut Undang-Undang Pornografi."

Marketplace creators must provide stricter firmness and supervision to avoid unwanted potentials such as the spread of illegal content or immoral content, because if the goods or services sold in the marketplace contain these negative elements, it will also have a negative impact on every user who can access the marketplace with a certain keyword, then illegal goods or immoral goods can be obtained with the provision of underage users.

G. Previous Research

This research is not new research but there are already several that have conducted similar research. Although there have been several studies that have done it, the author wants to conduct research by focusing on the benefits that will be discussed, besides that the object of this research is different from some previous research, including:

- 1) The research conducted by M Taufan Bahril Sahara which discusses "Online Buying and Selling Sex Dolls Review of Government Regulation Number 82 of 2012 and Sadd Adz-Dzari'ah" here are the aspects of novelty that can be differentiated from themes, methods, locations, and theories, namely,³⁷
 - a) This research focuses on two main issues, namely, how to form the freedom to buy and sell sex dolls online, then what are the objectives of government regulation number 82 of 2012 concerning the implementation of electronic systems and transactions and Sadd Adz-Dzariah on the form of freedom to buy and sell sex dolls online.

³⁷ Muhammad Taufan Bahril Sahara, "Online Buying and Selling of Sex Dolls Review of Government Regulation Number 82 of 2012 and Sadd Adz-Dzari'ah," *Journal of Islamic Business Law* 2, no. 2 (2021): 6.

- b) The method used in this study is a normative or literary approach using government regulation number 82 of 2012 concerning the implementation of electronic systems and transactions as well as the provisions of the Islamic religion from Sadd Adz-Dzariah which are very irrelevant in Islamic teachings.
 - c) The location targeted in this study is global and complex, namely online or social media, where there are many marketplaces or e-commerce that trade a service or goods that can be used by consumers and from these buying and selling, there must be regulations that limit each activity.
 - d) The theory used is that the freedom to buy and sell sex dolls online is not limited or very free in its implementation, so the impact can result in the effectiveness of the implementation of Government Regulation Number 82 of 2012 concerning the implementation of electronic systems and transactions which still do not regulate in detail the sale of sex dolls online, while in Sadd Adz-Dzariah buying and selling sex dolls online can cause things that have been prohibited, so clearly It is not allowed to buy and sell sex dolls online.
- 2) The research conducted by DOMINGGUS TEMONGMERE entitled "Legal Aspects of the Buying and Selling of Sex Toys in Indonesia" is based on the following aspects of novelty that can be shown based on themes, methods, locations and theories, including:³⁸
- a) The theme of this research aims to find out what legal aspects of individuals or corporations that trade sex toys in Indonesia and how legal it is by applying existing laws in Indonesia.

³⁸ Dominggus Temongmere and Hadi Tuasikal, "Legal Aspects of the Sale and Purchase of Sex Toys in Indonesia," *Journal of Law Justice (JLJ)* 1, no. 2 December (2023): 119–31, <https://doi.org/10.33506/jlj.v1i2.2659>.

- b) This study uses a normative juridical approach method with primary data obtained from laws and regulations and secondary data obtained from literature studies and tertiary data obtained from legal dictionaries or law books of laws and regulations and large dictionaries of the Indonesian language.
 - c) This research activity is to emphasize the legal aspects of buying and selling sex toys in Indonesia which in fact there is no legal regulation or special regulation that provides permission and legality regarding the sale of an item that does not have halal value to be traded in Indonesia
 - d) The theory underlying this research includes the importance of the legality of buying and selling that must be owned by every business actor and serves to discipline business actors so that they do not arbitrarily trade goods that do not have halal value.
- 3) The research conducted by Nur Fadlan with the title "Freedom to buy and sell contraceptives online from the perspective of government regulation number 82 of 2012, law number 11 of 2008, and sadd adz-dzarī'ah" as for the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely:³⁹
- a) Based on the theme of freedom to buy and sell contraceptives online, there are no restrictions in carrying out the process of buying and selling contraceptives online, the process in question is an electronic transaction that trades and sells contraceptives to all groups, both adults and adults.
 - b) The research method used is normative or biblical, using government regulation number 82 of 2012 concerning the

³⁹ Q adar Bakhsh Baloch, "Freedom of Buying and Selling Contraceptives Online from the Perspective of Government Regulation No. 82 of 2012, Law No. 11 of 2008, and Sadd Adz-Dzarī'ah" Title" 11, no. 1 (2017): 92–105.

implementation of electronic systems and transactions by harmonizing law number 11 of 2008 concerning information and electronic transactions and relating to Islamic law, namely from the view of SADD ADZ-DZARÎ'AH.

- c) The location carried out in this planning is complex, where online buying and selling is very not allowed from law number 11 of 2008 as well as the implementation of electronic systems and transactions.
 - d) Theoretically, the research written contributes to faith, especially in the field of Ushul fiqh and sharia economic law, which is reviewed by government regulation number 82 of 2012 and harmonized with law number 11 of 2008 and SADD ADZ-DZARÎ'AH on the capital of the freedom to buy and sell contraceptives online.
- 4) The research conducted by Rhafshanjanie Prawira Negara and Frans Simangunsong with the title "Buying and Selling Sex Toys in the Perspective of Criminal Law in Online Media" is the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely:⁴⁰
- a) From the title of the research used, the appropriate theme is about the sale of pornography through many phases including the offer of delivery of goods and payments as well as various legal rules that may be violated or violated, so this study is the form of criminal responsibility for the perpetrators of sex toy buying and selling transactions in online media.
 - b) This researcher uses the statutory approach method or can be called the statute approach and a conceptual approach that is

⁴⁰ Rhafshanjanie Prawira Negara and Frans Simangunsong, "Buying and Selling Sex Toys in the Perspective of Criminal Law in Online Media," *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 2, no. 2 (2022): 703–13, <https://doi.org/10.53363/bureau.v2i2.99>.

normative in nature with the aim of finding legal rules, legal principles and legal doctrines in order to overcome legal difficulties that are being faced by society.

- c) The location of the research used is globally where the sale of sex dolls online can enter any area that uses social networks or social media networks.
 - d) The theory used by this study is from the rules of the law that can land anyone who acts criminally, whether it is related to disseminating those who have pornographic elements on social media with buying and selling transactions, namely language 4 pornography is only one and Law number 11 of 2008 jo Law number 19 of 2016 concerning ITE in the provisions of article 27 paragraph 1 jo article 45 paragraph 1.
- 5) The research conducted by Mayang Sekar Ningrum Nasution and Cahaya Permata with the title "Buying and Selling Arrangements for Sex Toys in the Sadd Adz-Dzariah Perspective Marketplace" is the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely:⁴¹
- a) Regarding the theme compiled by the researcher, namely about sex toys in the shopee marketplace that are traded freely, where the site is not a product that should be accessible to all decent, the goal of the researcher is how to practice buying and selling sectors in the marketplace and knowing the rules of buying and selling in the marketplace from the perspective of Sadd Adz-Dzariah.
 - b) The type of research used is normative law using two approaches, namely the statute approach and the conceptual approach and the nature of this research is descriptive,

⁴¹ Mayang Sekar Ningrum Nasution and Cahaya Permata, "The Arrangement of Buying and Selling Sex Toys in the Marketplace of the Perspective of Sadd Adz-Dzariah," *Journal of Law, Humanities and Politics* 4, no. 3 (2024): 156–65, <https://doi.org/10.38035/jihhp.v4i3.1883>.

analytical and data related to buying and selling sex toys in the marketplace by collecting through it in documents and laws and regulations supported by books, journals, and websites.

- c) The location used by the researcher is a marketplace that is commonly used by many people, especially in buying and selling an item, while the goods include dildos in the form of male genitalia or the shape of half of a woman's body, blind fold vibrators, rings, vaginal flashlights, and so on.
 - d) The theory used by the researcher is about the theory of Sadd Adz-Dzariah in terminology, the meaning of Sadd Adz-Dzariah as a general means so that the word Sadd Adz-Dzariah can contain something that is prohibited and that is required to be carried out, while according to the Qur'an, it is to cut the path of damage as an effort to avoid the damage.
 - e) The research conducted by Nabila Husniyah Susanto and Nynda Fatmawati Ocatrina entitled "The Validity of Buying and Selling Sex Toys in the Market (Marketplace)" is the aspect of novelty that can be shown based on themes, methods, locations, and theories, namely:⁴²
- 6) This research focuses on the basis of laws or other legal documents that trading sex toys is not a prohibited item and an unlawful act as long as it is carried out in accordance with the applicable law or in a special way and place.
- a) The research method used by Nabila Husnia and Fatmawati is normative with legal research that studies legal behavior from the perspective of legal regulations, hierarchy and

⁴² N H Susanto, "The Validity of Buying and Selling Sex Toys in the Marketplace," *Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 1072–78, <http://repository.narotama.ac.id/1627/>.

harmonious legal relations and is based on laws or other legal documents.

- b) The location of the research used is the marketplace or online marketplace where the location is often used by many people and has a positive and negative impact if the person abuses such as selling or buying sex toys and the like.
 - c) The theory used in this study is related to the buying and selling of sex goods that are not prohibited goods and unlawful acts as long as they are carried out that violate special laws, namely in educational institutions and health service institutions or sexual health therapy, only in its circulation it is limited and requires permission from the government and must meet the criteria for legal requirements listed in article 1320 of the Civil Code.
 - d) The research conducted by Carina Soledad González-González, Rosa María Gil-Iranzo and Patricia Paderewski-Rodríguez entitled "Human-Robot and Robot Sex Interaction: A Systematic Review of the Literature" is the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely: ⁴³
- 7) This research focuses on sexual robots which have become a new paradigm of social robots, with the development of robots starting to attract attention related to various social issues such as emotions, ethics, philosophy and psychology, this new relationship between Jackson's robot and humans has also aroused the interest of the media, industry and the world making because with three-dimensional features that make the robot itself can be like real and consider having sex with robots.

⁴³ Carina Soledad González-gonzález, Rosa María Gil-iranzo, and Patricia Paderewski-rodríguez, "Human-Robot and Robot Sex Interactions: A Systematic Review of the Literature," t.t.

- a) The method used in this article is to search from many references, both journals and papers that discuss sex robots, sexual robots and sex dolls, which is supported by several practices in analyzing the social and characteristics of robots used for sexual materials.
 - b) The location used in this study is abroad by collecting many articles and several writings and studying the theories contained in the research object, namely either from sex robots or sex dolls.
 - c) The theory used in this article is that people viewed robots differently in the past, this difference is very small, depending on their culture or religion, if you analyze the situation regarding sex robots with a focus on interaction design as well as gender and ethical approaches in the last 40 years, there are many regulations that regulate the sale of these check robots to avoid abuse from people who do not use robots as effectively.
 - d) The research was conducted by Muhamad Dzadit Taqwa, Ahmad Alfarizy, and Melinda Yunita Lasmaida Sirait. which raised the title "The Future of Sex Robots in Indonesia: Law, Encyclopedic Science and Technology" as for the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely: ⁴⁴
- 8) In this study, focusing on sex robots are humanoid machines that are used to fulfill the sexual desires of their users, their presence has caused debates around the world, currently sex robots are not sold freely in Indonesia, however, the future of such innovations must be researched through Indonesian law, there are two sides of the existence of this kind of robot have several justifications, including:

⁴⁴ FORCIBLE RETRIEVAL OF THE BODY OF A SUSPECT PATIENT AND, "IUS Journal of Law and Justice Studies," *IUS Journal of Law and Justice Studies* 9, no. 3 (2021): 52–68.

- Its users have no implications for anyone other than the user of the sex robot.
- The market has high potential
- The use of these objects contains a number of psychological benefits for those in need.

Meanwhile, the negative impact of sex robot technology that is not in line with religious values, immorality, and even the law is very opposite.

- a) The methodology used by the researcher is with normative methods or legal bases where there is a relationship between the laws of science and technology.
 - b) The location targeted by the researcher is in line with the title of whether sex robots in Indonesia can enter or be traded legally and how scientifically and what are the benefits of technology and encyclopedias.
 - c) The theory used in this article is that monistic crime requires that there is an interest between the act and the responsibility, so there is no criminal act without responsibility and the positive legal status in Indonesia currently does not consider robots as a subject who can be held criminally responsible.
 - d) The research was conducted by Narda Angela Apta Banjarnahor; Nasrullah Alfarizi; Siska Ayu Larissa. which raises the title "A Review of Islamic and Christian Religions Towards Marriage with AI Robots" as for the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely: ⁴⁵
- 9) This research focuses on the abuse of technology such as robots as an alternative to sex workers for humans, there is a lot of debate about the use of this sex robot, but sex is considered a natural need

⁴⁵ Afreiza Octaguna A et al., "23-Moderation-0101-464 (1)," no. 2023 (2023): 1–17, <https://doi.org/10.11111/nusantara.xxxxxxx>.

that must be fulfilled by every human being, while in religion sex is considered a sacred thing that must be guarded from deviant behavior, then violation of this rule can have negative impacts on every individual and society.

- a) The method used in this study is a literature study approach from taking several library sources and reading and giving notes and then managed for research purposes both from books, articles and reports related to the problems of the research conducted.
- b) The location carried out in this study is to focus on globally because from the title raised, namely the impact of each religion, every religion in the world can use a reference or as a reference in carrying out its activities.
- c) The theory used is an approach from every religious point of view because of the importance of using sex robots or robots in the context of sexuality to meet the sexual needs of users, it is necessary to consider gender and ethics in planning sexual robots as well as highlighting the ability of sex pots to cause emotions in humans and factors that need to be considered in their design.
- d) The research conducted by Annette M. Masterson with the title "Designing a Compassionate Robot: An Analysis of Social Construction from the Vision of the Creator of Sex Robots" is about the aspects of novelty that can be shown based on themes, methods, locations, and theories, namely:

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- 10) This research discusses the development of doll production from something that can only be silent, then designed with the frequent

⁴⁶ Annette M Masterson, "Designing Loving Robots: A Social Construct Analysis From the Vision of the Sex Robot Creator" 5 (2022): 99–114.

development of the times and supported by the magnitude of technology until now it is very real and can be used as desired.

- a) The method used in this research is to analyze the mass media interview corps with the institution, namely Mat McMullen from RealDoll using Fairclough's conceptualization basis by highlighting the focus on social structures, practices and events.
- b) This research took place in an overseas location that focused globally because looking at the title that was raised, the impact of the development of sex dolls into sexy robots had a great impact on the whole world.
- c) The theory used to do this is from the level of socio-cultural, political, and socio-technological construction through Mat McMullen's discourse on how to develop his sexy robot by expressing the vision and purpose of making the sex robot.
- d) The theory used to do this is from the level of socio-cultural, political, and socio-technological construction through Mat McMullen's discourse on how to develop his sexy robot by expressing the vision and purpose of making the sex robot.

Table 1. Similarities and Differences from Previous Research

No.	Researcher Name	Research Title	Equation	Difference
1.	M Taufan Bahril Sahara	"Buying and Selling Sex Dolls Online Review of Government Regulation Number 82 of 2012 and Sadd Adz-Dzari'ah"	The aspect of similarity from this study is related to the online purchase and sale of contraceptives, which is reviewed with government	However, the difference between this study and the article that will be written by the researcher is that the object of the sale and purchase in the form of a sex robot and its

			regulations and Sadd Adz-Dzariah	review is marked by Law Number 11 of 2008
2.	Dominggus Temongmere	Legal Aspects of Buying and Selling Sex Toys in Indonesia	a thing that is common in this study, namely related to the buying and selling of contraceptives in Indonesia by reviewing the legal aspects in Indonesia	Meanwhile, the difference from this research with what the author wrote is that the object of buying and selling is in the form of a sex robot and is characterized by aspects of Islamic law
3.	Nur Fadlan	Freedom to Buy and Sell Contraceptives Online Perspective Government Regulation Number 82 of 2012, Law Number 11 of 2008, and Sadd Adz-Dzari'Ah	The aspect that is the similarity between this research and the research to be written is all the titles made by the researcher.	However, the difference from this research between the articles that will be researched by the author is the object of buying and selling contraception in the form of robots with the development of the times.
4.	Rhafshanjanie Prawira Negara dan Frans Simangunsong	Buying and Selling Sex Toys in the Perspective	The similarities between this study and the article that will be written by	However, the difference from this research is between the article that will be

		of Criminal Law in Online Media	the researcher are about buying and selling contraceptives from a legal perspective in Indonesia, namely online criminal law	written by the researcher, namely the object of the sale and purchase in the form of a sex robot with Government Regulation Number 82 of 2012 which covers Law Number 11 of 2008 and Sadd Adz-Dzariah
5.	Mayang Sekar Ningrum Nasution dan Cahaya Permata	Buying and Selling Sex Toys in the Sadd Adz-Dzariah Perspective Marketplace	The aspect of similarity of this study with the article that will be written by the researcher is the regulation on buying and selling contraceptives in online media with the perspective of Sadd Adz-Dzariah	However, the difference between this study and the article that will be written by the researcher is that the object of the sale is in the form of a sex robot with the addition of government regulations and laws in Indonesia
6.	Nabila Husniyah Susanto dan Nynda Fatmawati Ocatrina	The Legality of Buying and Selling Sex Toys on the Market	The similarity about this researcher's article with the article that will be written by the researcher is	However, the difference from this study with the article that will be obtained by the researcher is that the object of sale

		Site (Marketplace)	the buying and selling of contraceptives on the marketplace	and purchase in the form of a sex robot is regulated by government regulations and laws in Indonesia and strengthened by Islamic law in the form of Sadd Adz- Dzariah
7.	Carina Soledad González- González, Rosa María GilIranzo dan Patricia Paderewski- Rodríguez	Human-Robot and Robot Sex Interactions: A Systematic Review of the Literature	The aspect of similarity of this study with the article that will be determined by the researcher is about the interaction between humans and sex robots	Meanwhile, the difference between this article and the research to be written is the regulatory and legality aspects in trading the robot.
8.	Muhamad Dzadit Taqwa, Ahmad Alfarizy, dan Melinda Yunita Lasmaida Sirait.	The Future of Sex Robots in Indonesia: Law, Encyclopedic Science and Technology	Looking at the title of this research, the aspect of the equation that exists, namely about sex robots in Indonesia, how is the legal history	while the aspect of difference is how the history of the Islamic view is determined by Sadd Adz-Dzariah
9.	Narda Angela Apta	An Islamic and Christian Review	The similarities of this study with the	while the difference between this study

	Banjarnahor; Nasrullah Alfarizi; Siska Ayu Larissa.	of Marriage with AI Robots	article that will be written by the researcher are a review of the Islamic religion on AI robots or sex robots	and the article written by the researcher is about the law of buying and selling with sex robot objects regulated by government regulations and Indonesian laws.
10.	Annette M. Masterson	Designing a Compassionate Robot: A Social Construct Analysis from the Vision of the Creator of the Sex Robot	In this study, we have similarities in the object of discussion and the purpose of the use of sex robots themselves	However, the difference in our research with the previous author is in the provisions that we use in knowing the law, apart from the positive huum, we also include Islamic law to strengthen the legal knowledge.

H. Discussion Systematics

The systematics of writing this thesis research by raising the title of supervision of buying and selling sex dolls in the marketplace from the perspective of trade and maqashid sharia are as follows:

Chapter I: Introduction

This chapter contains the background of the problem, problem formulation, research objectives, research benefits, research methods, previous research and writing systematics that function to provide an

overview of the research to be carried out.

Chapter II: Literature Review

This literature review provides a strong theoretical foundation for this study, which aims to analyze positive aspects of Islamic law and law related to the supervision of the buying and selling of sex dolls in Indonesia on the perspective marketplace of the Ministry of Trade and maqashid shari'ah.

Chapter III: Research and Discussion Results

In the third chapter in this study, it is to write about the results and discussions. The results and discussions issued in this study were obtained through the results of the study of legal materials using the research method that has been explained in chapter one to answer each problem formulation listed.

Chapter IV: Conclusion

The fourth chapter in this study is the Closing. This chapter is the end of the research. In the closing will contain conclusions and suggestions. The conclusion here is an important point of elaboration of the research that has been conducted. In addition, the conclusion will also contain a brief answer from the formulation of the problem that has been listed in the first chapter. The content of the suggestions in this study is intended for interested parties and also future researchers.

CHAPTER II

LITERATURE REVIEW

A. Pornography

1. Definition of pornography

Pornography is etymologically derived from the Greek word *porne* meaning "prostitute" and *graphien* meaning "to write" or "to describe". Literally, pornography means writing or images depicting prostitution. With the development of the times, this term is no longer limited to prostitution but has developed into any form of depiction of sexual activity aimed at arousing lust. The expansion of this meaning occurs along with the development of media, technology, and cultural changes in society.

Terminologically, pornography is defined as any form of media or material that depicts nudity, sexual behavior, or things of an erotic nature with the intent to arouse sexual arousal. The media can be in the form of writing, images, sounds, films, or a combination of all of them. In different countries, the definition of pornography can differ depending on the social, cultural, and legal norms. But in general, all forms of pornography have the characteristics of explicitly depicting sexuality and are visually or imaginatively stimulating.⁴⁷

In the Great Dictionary of the Indonesian Language (KBBI), pornography is defined as "erotic depictions in literary works, paintings, films, and so on with the aim of arousing lust." This definition emphasizes that pornography is not limited to visual media, but it can also be present in literary works or other forms that display

⁴⁷ Cindy Afriliani, Novika Asrima Azzura, and Jemina Regina Beru Sembiring, "Faktor Penyebab Dan Dampak Dari Kecanduan Pornografi Di Kalangan Anak Remaja Terhadap Kehidupan Sosialnya," *Harmony: Jurnal Pembelajaran IPS Dan PKN* 8, no. 1 (2023): 7–14, <https://doi.org/10.15294/harmony.v8i1.61470>.

eroticism. Thus, the main element in pornography is the intention to arouse lust and the explicit presentation of sexuality.

Indonesian legal expert, Prof. Andi Hamzah, stated that pornography is a form of dissemination or performance of obscene and indecent things that can damage the morals of society, especially children and adolescents. emphasized that pornography is not only about freedom of expression but is closely related to the protection of public morals and social order. Therefore, regulation of pornography is needed so that people, especially the younger generation, are not exposed to content that damages personality development.⁴⁸

In the view of the famous psychologist Sigmund Freud, pornography reflects the sexual impulses of humans that are suppressed by social norms. He sees that pornography is a form of venting of libido or sexual instincts that cannot be freely expressed in daily life. Freud did not explicitly defend pornography, but he saw it as part of a human psychological dynamic that always struggles between instinctive impulses and social control.

Media and communication expert, Marshall McLuhan, views pornography as a result of technological and media developments. According to him, modern media allows for increasingly explicit and massive depictions of eroticism, so that pornography becomes part of contemporary visual culture. He also considers that pornography reflects the way modern society treats the body and sexuality as commodities that can be consumed publicly and commercially.

⁴⁸ R Ibrahim, "Penegakan Hukum Pidana Bagi Pelaku Penyebaran Konten Pornografi Pada Media Digital Onlyfans" (UNIVERSITAS MUSLIM INDONESIA MAKASSAR, 2023), http://repository.umi.ac.id/4210/1/rai_ibrahim_rumbouw_04020190022.pdf.

From a sociological perspective, pornography is often seen as an indicator of changing norms and values in society. Increasingly liberal societies tend to have a higher tolerance for pornography than traditional societies. However, many sociologists still see the negative side of pornography, such as the exploitation of women, the objectification of the body, and the potential for increased sexual violence and behavioral deviations due to exposure to unhealthy content.

Contemporary psychologists such as Dr. Victor Cline state that pornography can lead to addiction and lead to changes in sexual behavior. He researched that continuous pornography consumption can lower sensitivity to healthy and realistic sexual intercourse, as well as encourage a person to seek more extreme sexual stimulation. In the long run, this can have a detrimental effect on a person's personal relationships and social life.⁴⁹

From the religious side, especially Islam, pornography is prohibited because it is contrary to the principle of maintaining one's views and self-respect. The Qur'an in Surah An-Nur verses 30–31 commands Muslims to subdue their gaze and guard their genitals, which is the basis for the prohibition of all forms of pornography. Islam considers that pornography can damage morals, weaken faith, and plunge people into immoral acts that are far from the purpose of human creation. From these various views, it can be concluded that pornography is a complex and multidimensional phenomenon. It is not only related to sexual aspects, but also involves moral, legal, psychological, social, cultural, and religious dimensions. Therefore,

⁴⁹ Muhamamad, "ANALISIS PENGUNAAN ROBOT WANITA SEBAGAI PENGANTI PEMENUHAN KEBUTUHAN SEKS PERSPEKTIF MAQASHID SYARIAH DAN PSIKOLOGI TESIS Diajukan Kepada Universitas Islam Negeri Kyai Haji Ahmad Siddiq Jember Untuk Memenuhi Persyaratan Memperoleh Gelar Magister."

the approach to pornography must be comprehensive—not only repressive through the law, but also educational through moral education, media literacy, and the strengthening of local religious and cultural values.

2. Characteristics of Pornography

Pornography has several key characteristics that distinguish it from other types of content, including: ⁵⁰

- a) Pornography displays sexually explicit content, whether in the form of images, writing, sound, or video. This content blatantly depicts nudity, sexual intercourse, or erotic activity in a vulgar manner.
- b) Pornography is made with the main purpose of arousing the sexual desires of its connoisseurs. Unlike sex education, which is informative in nature, pornography is designed to stimulate and create emotional and physical involvement with the sexual scenes depicted.
- c) Pornography is a commercially driven, mass-produced part of the global entertainment industry, widely distributed through the internet and digital media. Beyond personal consumption, it functions as a lucrative economic commodity with professional production and distribution networks, often produced without considering its social, legal, or mental health impacts.

⁵⁰ Anggi Maringan Hasiholan et al., “Edukasi Dini Tentang Pornografi Bagi Usia Remaja Awal Bagi Siswa/I Sma Prestasi Prima Jakarta,” *Jurnal PKM Setiadharma* 4, no. 2 (2023): 128–37, <https://jurnal.sttsetia.ac.id/index.php/pkm/article/view/387>.

- d) Pornography tends to contain elements of body objectification, in which the body—especially women—is presented only as an object of lust without regard to human values, love, or responsibility in sexual relationships. It is often criticized for reinforcing views that degrade human dignity and undermine healthy relationships between men and women. In many cases, pornography also features unequal power relations, violence, or coercion, which can ultimately affect consumers' perceptions of sexuality and relationships between individuals.
- e) Pornography generally violates social, cultural, and religious norms because it is considered morally destructive, harmful to the development of children and adolescents, and contrary to the teachings of holiness in many religions. In a society that upholds ethical values and decency, pornography is considered a threat to public order and moral dignity. Therefore, many countries, including Indonesia, have established strict regulations on the production, distribution, and access to pornography in order to maintain the moral integrity of society and protect the younger generation from its bad influences.

3. The Impact of Pornography

Pornography can have a negative impact on an individual's psychological development, especially in children and adolescents who are still in the stage of personality formation. Exposure to sexually explicit content at an early age can undermine their perception of healthy and realistic sexual relationships. It can also cause excessive curiosity, trigger addiction, and interfere with study concentration and academic achievement. In the long run, the impact

can be in the form of emotional disturbances, deviant behavior, and difficulty in establishing normal social relationships. On the other hand, pornography can also damage interpersonal relationships, especially in domestic life. Constant consumption of pornography can decrease satisfaction in sexual relationships with partners, as it creates unrealistic expectations and compares partners to actors in the content. This can trigger conflicts, suspicions, and even lead to infidelity or divorce. In addition, pornography addiction can cause a person to withdraw from social life and lose empathy for their partner.⁵¹

From a social aspect, the uncontrolled spread of pornography can encourage moral degradation in society. When pornographic content is considered commonplace or no longer considered taboo, the line between appropriate and inappropriate becomes blurred. This can encourage increased immoral acts, sexual harassment, and sexual violence. In societies with strong religious and cultural norms, pornography is considered a destroyer of ethical order and values that have been maintained for generations. Legally, the impact of pornography poses a serious challenge to law enforcement and child protection. Although many countries have regulated bans or restrictions on access to pornographic content, the development of digital technology has made its spread increasingly difficult to control. Many cases of child pornography, sexual exploitation, and human trafficking stem from the consumption or production of pornography. This shows that pornography not only has an impact on consumers, but also on victims who are exploited in the production process.

⁵¹ Muhamamad, "ANALISIS PENGGUNAAN ROBOT WANITA SEBAGAI PENGANTI PEMENUHAN KEBUTUHAN SEKS PERSPEKTIF MAQASHID SYARIAH DAN PSIKOLOGI TESIS Diajukan Kepada Universitas Islam Negeri Kyai Haji Ahmad Siddiq Jember Untuk Memenuhi Persyaratan Memperoleh Gelar Magister."

From a religious perspective, pornography is seen as an act that violates spiritual and moral values. Many religions, including Islam, view pornography as a gateway to greater sins, such as adultery and sexual abuse. The impact is not only on the individual, but also on the human relationship with God, as pornography distances a person from holiness, lowers piety, and weakens self-control. Therefore, many religious institutions encourage restrictions on access to pornography as well as provide moral education as a form of prevention.⁵²

B. Legal Certainty Theory

1. Definition of Legal Certainty Theory

The theory of legal certainty is an important principle in the legal system that demands that laws be made, enforced, and implemented consistently, clearly, and unchangeably. Legal certainty provides assurance to communities that their rights and obligations are protected by predictable regulations. With legal certainty, people do not live in uncertainty or worry that the law can change arbitrarily at any time. Therefore, the law must be able to be a definite guide in acting and making decisions.

According to Gustav Radbruch, a prominent German legal philosopher, legal certainty is one of the three main values in law, along with justice and utility. He argues that the applicable law must still be obeyed, even though it may be unjust, as long as it does not deviate too much from the principles of justice. However, Radbruch also emphasized that in extreme conditions where the law becomes very unjust, justice must take precedence over legal certainty. This view shows that legal certainty is not an absolute value but must

⁵² Muhammad Saufi Ramdhani and Nur Amin Barokah Asfari, "Pornografi Pada Remaja: Faktor Penyebab Dan Dampaknya," *Flourishing Journal* 2, no. 8 (2023): 553–58, <https://doi.org/10.17977/um070v2i82022p553-558>.

remain within the framework of justice. In the view of Indonesian legal expert, Prof. Sudikno Mertokusumo, legal certainty means that the law must be formulated clearly, unambiguously, and understandable by everyone. According to him, the law will definitely create order because the community knows what can and cannot be done, as well as what the consequences of each act are. Sudikno emphasized that legal certainty does not only lie in the existence of written laws, but also in its fair, consistent, and non-discriminatory application.⁵³

Hans Kelsen, through his Pure Theory of Law, emphasized that law must be normative and free from moral or political interference. According to Kelsen, legal certainty is achieved when the legal system is built in a hierarchical and rational manner, where each legal norm gains strength from a higher norm until it reaches a basic norm (Grundnorm). With a legal structure that is logically and orderly, the community will get a guarantee of certainty in the implementation of the law.

Legal certainty in practice is realized through a written and transparent legal system, professional law enforcement officials, and a trustworthy judicial system. In the context of a state of law such as Indonesia, this principle is affirmed in Article 1 paragraph (3) of the 1945 Constitution which states that Indonesia is a state of law. This means that all actions of citizens and governments must be based on the law, and no one should be above the law. With legal certainty, social stability and justice can be realized more effectively.

⁵³ Siti Halilah and Fakhurrahman Arif, “Asas Kepastian Hukum Menurut Para Ahli,” *Jurnal Hukum Tata Negara* 4, no. Desember (2021): 56–65, <http://www.ejournal.an-nadwah.ac.id/index.php/Siyasah/article/view/334/275>.

2. Characteristics of Legal Certainty Theory

The first characteristic of the theory of legal certainty is that the law must be written, clear, and intelligible. The law that provides certainty is the law that is explicitly stated in the form of laws and regulations that are prepared systematically and logically. This regulation must not be multi-interpreted or create ambiguities that confuse the public. If a legal norm has many interpretations, it will be difficult for the public to understand its rights and obligations definitively, and this creates uncertainty in legal life. Therefore, in the theory of legal certainty, it is very important to have a straightforward legal redaction, which does not contradict each other, and is arranged based on a clear legal hierarchy structure. That way, the public can know exactly what actions are allowed and which actions are prohibited by law.⁵⁴

The second characteristic is that the law must apply consistently and not change arbitrarily. Legal certainty demands that the applicable regulations cannot be easily changed simply because of political, economic, or personal pressure. Changes in the law are indeed possible, but they must go through a formal process that is valid and open, and accompanied by rational considerations in the public interest. If the law changes too often without procedural certainty, then society will lose faith in the law and no longer use it as a guideline in daily life. Consistence in the application of the law also demands that all people be treated equally before the law, indiscriminately, including government officials and law enforcers themselves.

Furthermore, another important characteristic of the theory of

⁵⁴ Tiur Henny Monica, "Asas Kepastian Hukum Sebagai Salah Satu Teori Hukum Sehubungan Dengan Pembatasan Perkara Bagi Kurator Dan Pengenaan Sanksi Dalam Hal Kurator Sedang Menanganilebih Dari Tiga Perkara," *Hukum Responsif* 15, no. 1 (2024): 212–0, <https://ejournalugj.com/index.php/Responsif/article/view/8912>.

legal certainty is the existence of objective and fair law enforcement. The law will not provide certainty if its application is met with abuse of authority, discrimination, or injustice. Therefore, the theory of legal certainty requires a professional, transparent, and accountable law enforcement system. Law enforcers, whether judges, prosecutors, or police, must work on the basis of applicable legal rules, not on personal interests or pressure from others. Objective law enforcement creates public confidence that the law actually works to guarantee equal rights and obligations, and this is a vital element of the principle of legal certainty.

The next characteristic is that the theory of legal certainty demands the existence of a systematic and hierarchical legal structure. Every rule of law must be in one whole legal system, where the lower rules must not conflict with the higher rules. This is known as the principle of the hierarchy of legal norms, as explained by Hans Kelsen in his theory of pure law. In this system, all legal norms acquire validity from the higher norm to the basic norm (*grundnorm*). Thus, the law becomes an orderly system, does not contradict each other, and has clarity in the scope of its application. This structure makes the law predictable, which ultimately provides a sense of security and certainty for all citizens.⁵⁵

The final characteristic of the legal certainty theory is that the law must guarantee the protection of human rights and the legal interests of society in general. A definite law is not only seen from its written text, but also from its ability to provide a sense of security and protection of the basic rights of every individual. The law must guarantee that no one will be harmed by a decision or legal action

⁵⁵ Desi Apriani and Arifin Bur, "Kepastian Hukum Dan Perlindungan Hukum Dalam Sistem Publikasi Pendaftaran Tanah Di Indonesia," *Jurnal Bina Mulia Hukum* 5, no. 2 (2020): 220–39, <https://doi.org/10.23920/jbmh.v5i2.11>.

without a valid reason. Therefore, the theory of legal certainty plays an important role in fostering public trust in the rule of law. When society feels that the law is on the side of truth and justice through the guarantee of certainty, then the legitimacy of the law in social life will be stronger, and social stability can be well maintained

C. Surveillance Theory

1. Definition of Supervision Theory

Supervision theory is one of the fundamental concepts in law and administration that aims to ensure that every activity or policy carried out by state administrators remains in accordance with the law, ethics, and government objectives. From an administrative law perspective, supervision serves as a tool to ensure accountability and compliance with legal norms. Prof. Philipus M. Hadjon, an expert on Indonesian administrative law, stated that supervision is part of the legal protection of the people. He explained that supervision is not only carried out to prevent administrative errors, but also to ensure that government actions are in accordance with the principles of legality, proportionality, and protection of citizens' rights. Thus, supervision is an important element in the practice of a democratic state of law.⁵⁶

The types of supervision in this theory include internal and external supervision. Internal oversight is usually carried out by units or officials within the institution itself, while external oversight is carried out by outside institutions, such as legislative agencies, audit agencies, or judicial agencies. Bagir Manan, a former Chief Justice of

⁵⁶ Deus Mau Lulo Lourenço de Amiruddin, Mustakim, Marasaoly Salha, *Hukum Tata Negara Dan Pengawasan Terhadap Kekuasaan Eksekutif*, ed. M.Si. Dr Dr. H. Amiruddin, S.H., M.H. Mustakim La Dee, S.H., M.H., C.L.A. Salha Marasaoly, S.H., and MD. Hak Dr. Lourenço de Deus Mau Lulo, L.Dir. (MEDAN: PT Media Penerbit Indonesia, 2024).

the Supreme Court and an expert on constitutional law, stated that supervision is a mechanism to ensure that state power is not abused. According to him, the supervision system must be built institutionally and normatively, which means that there must be an institution that is indeed authorized by law to supervise, and there must be legal norms that regulate the methods and limits of supervision. This is important so that supervision does not turn into a tool of repression or excessive intervention.

In the process of implementing supervision, there are several important stages, namely planning, implementation, evaluation, and follow-up. This theory also refers to the principles of modern management, where supervision should be carried out based on measurable, systematic, and results-oriented indicators. In this regard, R. S. Sayre, in his theory of "Public Administration" states that supervision is not only aimed at finding faults but also building an efficient work system and encouraging accountability. Modern state administrative law also follows this approach, that supervision must be educational and corrective, not merely punitive. Therefore, in practice, supervision must pay attention to aspects of coaching, capacity building, and early prevention of violations of the law.⁵⁷

Supervision is also preventive and repressive. Preventive action is carried out before an action or policy is implemented, aiming to prevent mistakes or violations. Meanwhile, repressive measures are carried out after the violation occurs, usually accompanied by corrective actions or sanctions. Jimly Asshiddiqie, Professor of Constitutional Law, said that supervision in the modern legal state should not just wait for violations to occur, but should be designed in

⁵⁷ Bambang Sugiharto and Muhammad Syaifullah, "Pengawasan Dalam Perspektif Islam Dan Manajemen," *ILTIZAM Journal of Shariah Economics Research* 7, no. 1 (2023): 124–32, <https://doi.org/10.30631/iltizam.v7i1.1878>.

such a way that mistakes do not occur. He emphasized the importance of an early warning system in the supervisory system so that the bureaucracy does not fall into the practice of abuse of authority, corruption, or human rights violations. In this case, supervision is also closely related to the principle of due process of law or a fair and correct legal process. In a democratic legal state, the theory of supervision is also related to the principle of separation of powers (*trias politica*), in which the branches of power supervise and balance each other. Supervision by the legislature over the executive is a form of political supervision, while supervision by judicial institutions through the testing of laws and court decisions is juridical supervision. According to Hans Kelsen, the law can only be enforced if there is an institution that has the power to assess and correct government actions. Therefore, judicial supervision, such as judicial review by the Constitutional Court, is the highest supervisory mechanism to ensure the rule of law and the constitution.

Surveillance theory also recognizes the importance of community participation. From the perspective of constitutional law, the public has a constitutional right to supervise the implementation of government. This can be realized through the right to express opinions, freedom of the press, and public complaint mechanisms. Satjipto Rahardjo, a progressive Indonesian legal figure, emphasized that law is not just a collection of rules, but must be present as a social instrument that favors substantive justice.⁵⁸ Therefore, supervision must open space for the active participation of the community so that the law is not only a tool of power, but also a tool of the emancipation

⁵⁸ Rizki Amalia Rahmawati Sururama, *PENGAWASAN PEMERINTAHAN*, ed. Amalia Rizki Sururama Rahmawati, *Cendika Press*, Andrian, vol. 11 (Bandung: Cendika Press, 2019), http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.

of the people. This makes supervision a means of dialogue between the people and the government. Finally, the effectiveness of supervisory theory in practice is largely determined by three important elements: supervisory integrity, supervisory independence, and a robust follow-up system. Without these three elements, supervision is just an administrative formality with no corrective power. According to Dwight Waldo, a public administration figure, good supervision must be based on ethical values, public responsibility, and clarity of purpose. In the Indonesian context, strengthening supervisory institutions such as the BPK, Ombudsman, KPK, and judicial institutions is very important so that the theory of supervision does not only stop at the normative level, but actually runs in the practice of conducting a clean, transparent, and responsible state.

2. Characteristics of Supervision Theory

The first characteristic of surveillance theory is that it is systematic and structured. Supervision in a government system or organization cannot be carried out carelessly but must follow clearly defined procedures and mechanisms. In this context, supervision is not only carried out after the activity takes place, but starts with planning, implementation, to evaluation. Systematic supervision involves identifying objectives, setting performance indicators, collecting data, analyzing, and taking corrective actions. Supervision theory emphasizes that without a clear system, supervision will lose its effectiveness because it lacks an objective assessment basis. In other words, oversight should be an integral part of the management and governance cycle that connects the plan to the outcomes to be achieved.⁵⁹

⁵⁹ Meningkatkan Kesejahteraan Karyawan Author et al., “Optimalisasi Pengawasan Terhadap Perusahaan Yang Tidak Menerapkan Upah Minimum Untuk Afiliation,” *Jurnal Hukum Bisnis* 13, no. 14 (2024): 1–8, <https://doi.org/10.47709/hukumbisnis.v13i04.4442>.

The second characteristic is that supervision is preventive and corrective. Supervision theory not only emphasizes the function of correcting errors after a violation occurs but also plays a big role in preventing deviations before they occur. Preventive supervision is carried out by establishing standard operational procedures, providing training to implementers, and building a strong internal control system. Meanwhile, corrective supervision focuses more on follow-up on findings of violations or non-conformities to applicable standards or laws. These two functions, prevention and correction must go hand in hand so that supervision is not only a tool of punishment, but also a means of continuous coaching and improvement. The next characteristic is objectivity and independence of supervision. Good supervision theory requires supervisory implementers to be neutral, impartial, and not influenced by certain interests, both from within the organization and from outside. Therefore, supervisory institutions must have an independent position, as well as have the authority and legal protection to be able to carry out their duties professionally. This objective is essential for the results of oversight to be trustworthy, and the recommendations made are genuinely aimed at improving the system, not just as a tool of politics or power. In practice, the independence of oversight is often a major challenge, especially if oversight is carried out against institutions or officials who have significant power in organizational or governmental structures.

The fourth characteristic is the presence of measurable indicators and standards. Effective supervision requires a clear basis or benchmark to assess whether an activity is running according to the plan, the law, and the principles of efficiency and effectiveness. This indicator can be in the form of legal regulations, standard operating procedures (SOPs), performance targets, and approved budgets.

Without clear indicators, supervision will be subjective and prone to manipulation. In modern management theory, supervision is considered a tool to measure the performance gap the difference between actual results and preset targets. Therefore, this characteristic requires that every process and outcome of a policy or activity must be measurable quantitatively and/or qualitatively. The final characteristic of supervision theory is that it is oriented towards accountability and continuous improvement. This means that supervision does not only aim to find faults or sanctions, but to ensure that every process in an organization or government institution continues to improve over time. Thus, supervision is an important mechanism in encouraging transparency, efficiency, and accountability. The results of supervision must be followed up in real terms, both in the form of system improvement, human resource development, policy revision, and the imposition of sanctions for law violators. This theory holds that oversight is not the end of the process, but rather the beginning of the process of improving better governance. In the context of a state of law and democracy, these characteristics are the foundation for building a clean government that can be trusted by the public.⁶⁰

D. Theory of Business Ethics

1. Definition of Business Ethics Theory

Islamic business ethics is a set of moral norms and principles that originate from the teachings of the Qur'an and the Hadith of the Prophet Muhammad SAW. In practice, Islamic business ethics not only regulates the relationship between sellers and buyers, but also includes social responsibility, justice, and integrity that must be

⁶⁰ Andri Eko Putra, "Peranan Pengawasan Dalam Meningkatkan Efektivitas Kerja Karyawan Pada Pt.Kereta Api (Persero) Divisi Regional Iii Sumatera Selatan," *Jurnal Media Wahana Ekonomika* 12, no. 1 (2015): 54–67.

upheld by all business actors. This ethic prioritizes spiritual values in economic activities so that business is not only seen as a worldly activity, but also a means of worship to get closer to Allah SWT.⁶¹

The opinions of experts on the theory of business ethics are as follows;⁶² Muslich views Islamic business ethics as a normative basis derived from revelation, namely the Qur'an and the Sunnah. He emphasized that this ethics is not artificial or man-made but is a value system that is natural and in accordance with human nature. Businesspeople who adopt Islamic ethics will make their economic activities part of worship, paying attention to the principles of justice, honesty, and responsibility. In other words, Islamic business ethics provides a deeper direction and meaning to the purpose of doing business. Ali Hasan highlighted the moral aspect of Islamic business ethics. According to him, as long as a business actor upholds Islamic principles, his business activities will always be on the right path. Ethics not only functions as rules, but also as internal controls that maintain integrity and morality. By using Islamic values as a moral compass, a businessman not only pursues material profits, but also seeks blessings in his business. Muhammad Djakfar added that Islamic business ethics aims to build a clear and binding code of ethics for the business world.

This is important for resolving any conflicts or business disputes that may occur. In addition, this ethics also plays a role in strengthening Islamic ukhuwah between businesspeople, because values such as help, trust, and mutual respect are important parts of economic interaction. Islamic business ethics not only govern

⁶¹ ErlyJuliyani, "Etika Bisnis Dalam Persepektif Islam," *Jurnal Ummul Qura* VII, no. 1 (2016): 63–74, https://digilib.uin-suka.ac.id/id/eprint/57520/1/ETIKA_BISNIS_ISLAM.pdf.

⁶² Surajiyo Surajiyo and Harry Dhika, "Teori-Teori Etika Dan Peranan Prinsip Etika Bisnis Dalam Kelangsungan Usaha Perusahaan Bisnis," *Jurnal Manajemen* 11, no. 1 (2024): 68–76, <https://doi.org/10.37817/jurnalmanajemen.v1i1.1>.

economic relations, but also social relations between people.

In addition, business ethics also has several principles that are the foundation, including⁶³ The first principle in Islamic business ethics is monotheism or unity. All business activities are based on the intention to achieve the pleasure of Allah SWT. Tawhid unites all aspects of human life, including in the economic field. With this understanding, business is not solely for worldly gain, but also part of worship to God. A Muslim businessman will always feel watched by Allah and try to avoid fraudulent and unjust acts. Islamic business ethics strongly uphold fairness in every transaction. This principle requires businesspeople not to be fraudulent, not to take excessive profits, and not to monopolize the market. In this context, balance means moderation in doing business, not being greedy, and always considering the interests of all parties. Islam teaches that the blessing of sustenance lies in honesty and fairness in trading. Islamic business ethics recognizes human freedom in business and economic decision-making. However, this freedom is not absolute but rather is limited by Islamic values and social responsibility. Every business decision will be held accountable not only by the laws of the world, but also by God in the hereafter. Therefore, a Muslim businessman must consider the impact of his actions on society and the environment.⁶⁴

In Islam, business is not only a means of making a living but also contains a mandate. A business actor is responsible for the products or services he offers, as well as for the relationship with consumers and business partners. These responsibilities include

⁶³ Konsepsi Etika, Bisnis Dalam, and Al- Q U R An, "KONSEPSI ETIKA BISNIS DALAM AL-QUR'AN," *Munich Personal RePEc Archive* XI, no. 88126 (2018): 76–100, <https://mpra.ub.uni-muenchen.de/88126/>.

⁶⁴ Vera Maria and Arfan Maulana, "Etika Bisnis Di Era Digital Dan Dunia It (Informasi Dan Teknologi) Dalam Perusahaan Pt. Indofood Tbk," *Jurnal Cakrawala Ilmiah* 2, no. 3 (2022): 1211–18, <https://doi.org/10.53625/jcijurnalcakrawalailmiah.v2i3.4193>.

moral, social, and spiritual dimensions. It is not permissible to deceive consumers, withhold goods, or raise prices unreasonably. This responsibility also includes the obligation to help others and contribute to social welfare.⁶⁵

Truth and honesty are the main foundations in Islamic business ethics. In every aspect of business, both in promotion, transactions, and services, a Muslim businessman must prioritize honesty and transparency. Cheating, data manipulation, or other unethical practices are strictly forbidden in Islam. Customer trust is an invaluable asset in business, and Islam encourages its people to maintain integrity in every transaction.

Islamic business ethics have fundamental differences compared to Western business ethics. If Western ethics rests on rationality and secular principles, Islamic business ethics is rooted in revelation and transcendental values. The goal is not only to create a fair and efficient economic system, but also to bring businesspeople to the safety of this world and the hereafter. Thus, Islamic business ethics does not only pay attention to the external aspect, but also the inner aspect, namely the purity of intentions and the blessings of the results of the business.

2. Theory of Business Ethics in the Supervision of Buying and Selling Sex Dolls

The Ministry of Trade (Kemendag) stipulates that trade supervision must be based on the principles of business ethics which include consumer protection, compliance with regulations, and a

⁶⁵ Rani Ak Ummah, Masfi Sya'fiatul, Arianto Bambang, "ETIKA BISNIS DAN PROFESI," *Sustainability (Switzerland)* 11, no. 1 (2019): 1–14, http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.

balance between economic interests and public morals. This ethics is reflected in the compliance of business actors with applicable laws, such as the Trade Law and the Consumer Protection Law, especially in the context of the supervision of goods that are not suitable for circulation such as sex dolls. In addition to legal compliance, business actors are also expected to carry out social responsibility by ensuring that merchandise does not endanger the safety, health, and morals of the community.⁶⁶ Openness and honesty in providing product information are absolute requirements in business ethics enforced by the Ministry of Home Affairs. Business actors are prohibited from promoting goods in a misleading way, especially if they contain pornographic elements. If violations of these principles are found, the government has the authority to take firm action by withdrawing goods, publishing violations, and providing administrative and criminal sanctions. This step not only maintains ethics in trade, but also confirms that Indonesia's domestic market must be free from products that pollute moral values.

The business ethics implemented by the Ministry of Trade aim to create an orderly and integrity trading system. Consumer protection is a top priority, both in terms of physical, psychological, and moral. Furthermore, this ethics aims to maintain the reputation of the Indonesian domestic market so that it remains trusted by the public. By upholding business ethics, public trust in the national trading system will increase, which ultimately supports the stability and sustainability of the national economy as a whole.⁶⁷ The concept of *maqashid shari'ah* in Islam also provides a strong foundation for the

⁶⁶ Putri Sri Lestari and Dedah Jubaedah, "Prinsip-Prinsip Umum Etika Bisnis Islam," *J-Alif: Jurnal Penelitian Hukum Ekonomi Syariah Dan Budaya Islam* 8, no. 2 (2023): 220, <https://doi.org/10.35329/jalif.v8i2.4514>.

⁶⁷ Naufal Ikram Sukmawan, Raihan Arkan Rabbani, and Etika Bisnis, "Etika Bisnis Berbasis Teori Keutamaan 1" 42 (2024): 375–81.

importance of trade supervision. The five main principles of maqashid—safeguarding religion, soul, intellect, lineage, and property—should be considered in every business activity. In the context of selling sex dolls, these products are considered contrary to these principles because they contain pornographic elements, damage morals and psychological, and endanger the social and family order. Therefore, the prohibition on the circulation of goods like this is part of an effort to protect the benefit of the ummah (*maslahah*) and prevent damage (*mafsadah*).

Although the Ministry of Trade's approach is based on national regulations and business ethics principles, and the maqashid shari'ah is rooted in Islamic teachings, both have the same goal: to protect the public from the negative effects of the trade in illicit goods. Enforcement of rules needs to be done through cross-sectoral cooperation—between the government, business actors, and the community. Supervision is not only carried out legally, formally, but also accompanied by public education on the importance of maintaining moral values in economic activities. Thus, the supervision of the sale of sex dolls in the marketplace is an important part of the collaboration between the state and religious values in forming a healthy and dignified trade ecosystem.⁶⁸

⁶⁸ Moehammad Robith Nahdi and Imam Mukhlis, "Prinsip Etika Bisnis Pada Digital Marketing: Literature Review," *Jurnal Studi Manajemen Dan Bisnis* 10, no. 2 (2023): 188–97, <https://doi.org/10.21107/jsmb.v10i2.23439>.

CHAPTER III

DISCUSSION

1. How is the Responsibility of the Marketplace in the Sale of Sex Dolls Perspective of the Trade Law and its regulatory derivatives

Marketplace, as one of the main actors in digital commerce, has legal and social responsibilities in regulating the products traded on its platform. As the accessibility and ease of buying and selling online increases, this responsibility is increasingly relevant, especially towards the circulation of goods that have the potential to violate the law and moral norms, such as sex dolls. Marketplaces not only act as intermediaries between sellers and buyers, but also as service providers who are responsible for the content and activities that occur within their systems.⁶⁹ Therefore, it is important to further examine the forms and limits of marketplace responsibility in this context.

Based on Law Number 7 of 2014 concerning Trade, every business actor who carries out trading activities in Indonesian jurisdiction is obliged to comply with the provisions of the law, maintain business ethics, and not sell goods that are prohibited from circulation. In this case, the marketplace as a provider of electronic commerce facilities is also obliged to ensure that the products offered by third parties (sellers) do not conflict with these provisions. The sale of sex dolls can be categorized as an offense if the goods contain pornographic elements or do not have a valid distribution permit. Therefore, the marketplace cannot take refuge behind its status as a passive party but must participate in ensuring compliance with the positive law.

⁶⁹ Purbasari Raharningtyas Marditia Putri, "TANGGUNG JAWAB HUKUM MARKETPLACE TERHADAP PEMASARAN ALAT BANTU SEKSUAL DI BAWAH UMUR." JURNAL META-YURIDIS no 5 (2022) <https://scispace.com/pdf/tanggung-jawab-hukum-marketplace-terhadap-pemasaran-alat-2t6ns7hu.pdf>

Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems (PMSE) also specifically regulates the responsibilities of electronic trade organizers, including marketplaces. In Article 22 paragraph (1), it is emphasized that PMSE organizers are responsible for electronic information and/or electronic documents that have content that violates the provisions of laws and regulations. This provision provides a strong legal basis for states to hold marketplaces accountable if they allow illegal products, including sex dolls, to be traded openly. This responsibility includes the obligation to supervise, monitor, and take action against content or products that are considered to be unlawful.⁷⁰

However, PP 80/2019 also provides a liability limitation clause as stated in Article 22 paragraph (2), which states that PMSE organizers can be exempted from liability if they have taken quick steps to remove or take down illegal content after obtaining information or reports. This means that marketplaces need to build an internal system that is responsive to public reports and has an effective mechanism in cracking down on infringing content.⁷¹ The reporting and complaint system from consumers is an important instrument in order to fulfill these obligations, because the speed of responding to reports is one of the indicators of the marketplace's compliance with applicable regulations.

In addition to regulations at the level of laws and government regulations, marketplaces are also subject to technical provisions regulated in the Regulation of the Minister of Trade (Permendag), especially related to the list of goods that are prohibited or restricted

⁷⁰ Emmy Febriani Thalib and Ni Putu Suci Meinarni, "Juridical Review on Marketplace Based on Indonesian Law and Legislation," *Jurnal IUS Kajian Hukum Dan Keadilan* 7, no. 2 (2019): 194–205, <https://doi.org/10.29303/ius.v7i2.622>.

⁷¹ Ralph Adolph, "AKIBAT HUKUM TRANSAKSI JUAL BELI SEX TOYS DI LOKA PASAR (MARKETPLACE)," 2016, 1–23.

in circulation. If products such as sex dolls are not included in the category of goods that are allowed to be distributed, then the marketplace is obliged to reject them or withdraw them from circulation. In this case, it is necessary to have an internal platform policy that is in line with the Minister of Trade, as well as cooperation with the Ministry of Trade as a supervisory authority to prevent repeated violations.

From the perspective of intellectual property protection, marketplaces also have legal obligations for products that have the potential to infringe on copyright or other intellectual property rights. Sex dolls that resemble movie characters, artists, or certain public figures can violate Law Number 28 of 2014 concerning Copyright if they do not obtain official permission from the rights owner. Articles 10 and 114 of the law prohibit the circulation and sale of copyright-infringing goods, and violators may be subject to administrative and criminal sanctions. In this context, the marketplace can be sued as a party that facilitates the violation if it does not take adequate action to stop its circulation.⁷²

To minimize legal risks and maintain the platform's reputation, marketplaces need to provide a public complaint system that is easily accessible and used by consumers. This system should allow users to report products that are suspicious, dangerous, or violate moral norms. In addition, the complaints received must be followed quickly and transparently. Delays or omissions to such reports can negatively impact public trust while creating additional legal liability for marketplaces.⁷³

⁷² Susanto, N H, "Keabsahan Jual Beli Sex Toys Pada Loka Pasar (Marketplace)" No. 1 (2023) <http://repository.narotama.ac.id/1627/>

⁷³ Pramono and Kurniati, "Perlindungan Hukum Konsumen Dalam Transaksi Jual Beli Barang Online Di Indonesia." No. 2 (2023) : 604 <https://rayyanjurnal.com/index.php/jleb/article/download/1037/pdf>

In addition to providing a complaint channel, marketplaces also need to implement an automatic monitoring system that uses technology to filter products that are not in accordance with legal provisions. Technologies such as artificial intelligence (AI), image recognition, and keyword filtering can help in detecting illegal content or goods before they have time to be accessed by the public. This system is part of a prevention strategy that shows the seriousness of the marketplace in carrying out its legal responsibilities, as well as significantly reducing potential violations. The responsibility of the marketplace in this case is not only limited to positive legal aspects but also touches on ethical and moral aspects in business. Considering that products such as sex dolls concern public sensitivity, the marketplace is expected to help maintain the values of decency and moral norms that apply in Indonesia. The proactive actions of the marketplace in preventing the sale of inappropriate goods will reflect commitment to business ethics and corporate social responsibility.

Overall, marketplaces have an overall responsibility in ensuring that the products traded through their platforms do not conflict with laws and regulations or social norms. This responsibility includes compliance with the Trade Law, PP 80/2019, the Minister of Trade, and the Copyright Law, as well as the obligation to build a system that is able to respond to complaints and filter out problematic content. Thus, marketplaces cannot escape the role of supervision and control over goods circulating on their platforms, especially for products that can damage public morals and order.⁷⁴

Marketplaces must also be active in monitoring and filtering content, or goods sold on its platform. Artificial intelligence (AI)

⁷⁴ Samsul Djamiludin and Fokky Fuad, "Pertanggungjawaban Hukum Marketplace Di Indonesia Terkait Pelanggaran Hak Cipta : Tantangan , Regulasi , Dan Upaya Pencegahan Dalam Era E-Commerce," *Unnes Law Review* 6, no. 3 (2024): 7980–92.

technology and keyword filtering systems can be used to detect items that contain pornographic or illegal elements. This proactive step shows that the marketplace not only reacts to reporting but also has a robust prevention system in place.

The responsibility of the marketplace in the sale of sex dolls is not only legal, but also moral. They must comply with regulations such as the Trade Law, PP 80/2019, and related Trade Regulations, and actively prevent the sale of goods that violate the law or damage the moral values of the community. By implementing a comprehensive monitoring, complaint, and filtering system, marketplaces can maintain the integrity of the platform while contributing to the creation of healthy and transparent electronic commerce.

2. What is the Government's Role in Supervising the Buying and Selling of Sex Dolls in the Marketplace

The Government of Indonesia, especially through the Ministry of Trade (Kemendag) and the Directorate General of Consumer Protection and Commercial Order (PKTN), plays an important role in ensuring that electronic commerce activities in the country take place in accordance with applicable laws. One of the concrete forms of supervision is the circulation of prohibited goods such as sex dolls, which are considered to violate the norms of decency, public ethics, and positive laws in Indonesia. This supervisory activity not only aims to enforce laws and regulations, but also to protect consumers from the adverse effects of inappropriate or morally damaging goods.⁷⁵

In its implementation, supervision is carried out proactively and

⁷⁵ Santosa and Asep Hakim Zakiran, "Pertanggungjawaban Penyedia Jasa Layanan Elektronik Terhadap Pembatalan Pembelian Tiket Online Secara Sepihak Kepada Konsumen Berdasarkan PP No. 80 Tahun 2019 Tentang Penyelenggaraan Transaksi Melalui Sistem Elektronik."

intensively. The government does not wait for reports to come in but actively searches and monitors content or products in various marketplaces. Supervision is carried out with a manual approach, namely through a supervisory team that traces links on e-commerce platforms, as well as through the use of digital technology to detect keywords, images, or product descriptions that indicate violations of regulations. With this approach, the government can intervene early before the illegal product is widely spread to the public.

In addition to direct supervision, the government also builds strategic collaborations with digital industry players, including the Indonesian E-Commerce Association (idEA) and leading marketplace platforms. Through this collaboration, the Ministry of Trade encourages each marketplace to have a strong internal system, such as content moderation and reporting features that allow users to report illegal products. Marketplaces are also required to be quick to respond in removing infringing content, including sex dolls, as soon as they receive a warning from the authorities or a report from the public.

As part of the preventive strategy, the government periodically issues circulars to business actors, marketplace owners, and other digital service providers. This circular contains provisions regarding the types of goods that are prohibited or restricted in circulation, including an explicit prohibition on pornographic items. In addition, socialization is also carried out through seminars, public discussions, and official government social media to provide education to digital business actors about legal and ethical responsibilities in electronic commerce.

The government's oversight mechanism is not only technical and administrative but also based on reports and investigation results. The government opens up space for public participation through

public reporting of suspicious or unlawful products. These reports are then analyzed and can be the basis for further investigations. Investigations are usually carried out by tracing the seller's digital footprint, verifying the legitimacy of the product, and assessing whether the seller's actions violate the provisions of laws and regulations, especially related to pornography and consumer protection.⁷⁶ If violations are found from the results of supervision or reports, strict action will be taken immediately by the government. One of the earliest forms of intervention is to ask the marketplace to immediately take down or block the product link. In practice, throughout 2022, for example, the Ministry of Trade managed to take down thousands of links to illegal products, including sex dolls, as part of their commitment to public protection and enforcement of digital business ethics.

In addition to the reduction of links, business actors who are proven to be violated can also be subject to administrative sanctions. These sanctions include written warnings, temporary suspension of business activities, revocation of business licenses, and blocking of accounts on the marketplace platform. These administrative steps are carried out as a repressive as well as educational effort so that business actors understand the legal consequences of their actions and do not repeat similar violations in the future.⁷⁷ For cases that are classified as serious and involve criminal elements, such as the sale of goods that are included in the pornographic category, the government also does not hesitate to bring the perpetrators to the legal realm. Criminal law enforcement can be carried out by referring to the provisions in Law

⁷⁶ adar BakhshBaloch, "'kebebasan Jual Beli Alat Kontrasepsi Secara Online Perspektif Peraturan Pemerintah Nomor 82 Tahun 2012, Undang-Undang Nomor 11 Tahun 2008, Dan Sadd Adz-Dzari'ah" Title."

⁷⁷ Ganang Ade Sucipto, "JUAL BELI ALAT BANTU SEKSUAL DI TOKO QIANG SENG KOTA SEMARANG DALAM PERSPEKTIF HUKUM ISLAM" (2020).

Number 44 of 2008 concerning Pornography, which contains sanctions in the form of imprisonment of up to 12 years and/or a large fine. This law enforcement is carried out selectively, taking into account the level of violation, distribution scale, and social impact of the products sold.

Supervision and law enforcement efforts also involve cross-agency cooperation. The government through the Ministry of Trade coordinates with law enforcement officials such as the police and prosecutor's office, as well as with the Directorate General of Customs and Excise of the Ministry of Finance to prevent the entry of physically prohibited goods from abroad. This coordination is carried out to close all loopholes that may be used by illegal business actors in marketing prohibited products, both online and offline.

Supervision of the sale of sex dolls and similar goods in the marketplace is based on a number of regulations that have binding legal force. Some of the main regulations that are the basis are Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems, Law Number 44 of 2008 concerning Pornography, the Electronic Information and Transaction Law (ITE Law), as well as various circulars and derivative regulations issued by the Ministry of Trade. This legal foundation is the foundation for designing a comprehensive and sustainable supervision policy for the development of digital commerce that is highly dynamic.⁷⁸

⁷⁸ Neil Tinangon Edwin Fransisco Moningkey Audrin, W. Lumintang Djefry, "PENEGAKAN HUKUM PENJUALAN BARANG PORNOGRAFI DI INDONESIA MENURUT PERATURAN MENTERI PERDAGANGAN NOMOR 25 TAHUN 2022 TENTANG KEBIJAKAN DAN PENGATURAN IMPOR," *Fakultas Hukum UNSRAT* 13, no. 5 (2024): 186–95.

CHAPTER IV

CONCLUSION

1. Conclusion

First, the effectiveness of monitoring the sale of sex dolls in the Indonesian marketplace is still not optimal. This is due to several main factors, namely the lack of specific and strict regulations related to the sex doll trade, as well as the use of automated monitoring systems and technology that is not comprehensive or optimal in detecting and taking action against products that violate the law. In addition, the lack of coordination and synergy between related agencies such as the Ministry of Trade, the Ministry of Communication and Information, and law enforcement officials causes the enforcement process to be slow and ineffective. This condition allows products such as sex dolls to continue to circulate freely on digital platforms, which is certainly contrary to social and religious regulations and norms.

Second, from the point of view of positive law and sharia maqashid, the existence and sale of sex dolls is considered an aberration that damages morals and human values. Positive laws through existing regulations, such as Law Number 44 of 2008 concerning Pornography, implicitly oppose the circulation of products that can have a negative impact on public morals. Meanwhile, from the perspective of maqashid shari'ah, the sale and use of sex dolls is contrary to the purpose of sharia to protect religion, soul, intellect, descent, and property. This product can cause sexual deviation, damage morals and the order of the family and society in general. Therefore, an integrative effort is needed between formal positive law enforcement and Islamic sharia principles to carry out supervision and control more effectively. This approach aims not only to enforce the law, but also to protect the interests of the people holistically and

prevent broader social and moral damage. Civilized.

2. Suggestion

The government and related institutions in Indonesia need to strengthen regulations regarding the circulation of goods that may harm public morals, including sex dolls. Clear, firm rules must be established with consideration for technological advancements to ensure effective supervision. The use of AI-based detection systems and digital monitoring is essential to quickly identify and take action against online platforms that sell illegal products. Cross-agency coordination should also be improved to ensure consistent and sustainable law enforcement efforts.

In addition to regulation, public education and moral development are vital. Promoting digital literacy and sharia-based awareness will help communities understand the legal and ethical dangers of sex dolls. Campaigns involving educational institutions, religious bodies, and community organizations can reinforce moral values. The application of *maqashid shari'ah* should guide all regulatory and enforcement policies, ensuring alignment with both legal and religious principles. A collaborative effort involving government, marketplaces, and the public is key to fostering a digital environment that upholds societal morality and religious values.

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