

## RELABELING BY INFLUENCERS IN THE DIGITAL MARKETPLACE: A LEGAL ANALYSIS UNDER INDONESIAN LAW, ISLAMIC COMMERCIAL ETHICS, AND FTC REGULATIONS

**Shofa Robbani<sup>1</sup>, Dinda Oktavia Bulan Fitriani<sup>2</sup>, Muhammad Nazir Alias<sup>3</sup>, Dwi Nur Laili<sup>4</sup>, M. Iqbal Maulana<sup>5</sup>, Yuni Salma Nur Afida<sup>6</sup>, Amaliatus Sholihah<sup>7</sup>**

<sup>1,2,4,5,6,7</sup> Nahdlatul Ulama Sunan Giri University, <sup>3</sup>Universiti Kebangsaan Malaysia

[shofa@unugiri.ac.id](mailto:shofa@unugiri.ac.id), [octadindaocta@gmail.com](mailto:octadindaocta@gmail.com), [nazir@ukm.edu.my](mailto:nazir@ukm.edu.my), [dwin.laili@gmail.com](mailto:dwin.laili@gmail.com),  
[iqbaaalzmln27@gmail.com](mailto:iqbaaalzmln27@gmail.com), [yunisalma17@gmail.com](mailto:yunisalma17@gmail.com), [amaliatussholihah84@gmail.com](mailto:amaliatussholihah84@gmail.com)

### Abstract

This research is a normative legal study using a case study approach that analyzes the legal and ethical implications of relabeling practices conducted by influencers in Indonesia. The problem arises from the case of Shella Saukia and Umama Scarf, in which original hijab products were resold after their brand labels were replaced with a private “SS” label without authorization. This practice poses serious legal concerns regarding consumer deception, violation of trademark rights, and unfair business competition in digital commerce. The study relies entirely on secondary data through library research, using primary legal materials such as Law Number 8 of 1999 on Consumer Protection, Law Number 20 of 2016 on Trademarks and Geographical Indications, and Regulation of the Minister of Trade Number 73 of 2015 on Mandatory Labeling on Goods. The analysis applies a normative qualitative method by correlating Indonesian positive law with principles of fiqh muamalah—particularly *ṣidq* (honesty), *bayān* (transparency), and *‘adālah* (justice). The findings show that unauthorized relabeling violates consumers’ rights to accurate information, infringes trademark protection, and distorts fair market competition. From an Islamic legal perspective, such practices constitute *tadlīs* (deception), *gharar* (uncertainty), and *ghasb* (unlawful appropriation), all of which are categorically prohibited. As a comparative framework, this study also refers to the United States Federal Trade Commission (FTC) regulations, which strictly mandate truth-in-labeling and prohibit deceptive or unfair marketing practices. These standards provide valuable insight for strengthening Indonesia’s regulatory safeguards. The study concludes that harmonizing positive law, Islamic legal principles, and international best practices is essential to ensuring a fair, transparent, and ethical digital trade ecosystem.

**Keywords:** Relabeling; Consumer Protection Law; Influencer Marketing; TikTok Shop.

**Mu'amalah: Jurnal Hukum Ekonomi Syariah**

Website : <http://e-journal.metrouniv.ac.id/index.php/muamalah/index>

Received : 2025-07-23 | Reviewed : 2025-10-27 | Published : 2025-11-28.

DOI: <https://doi.org/10.32332/muamalah.ebst5p68>



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## Introduction

The development of digital technology has driven a significant transformation in global marketing strategies, particularly through social media. Platforms such as TikTok Shop serve not only as entertainment spaces but also as direct commerce hubs (social commerce) that business actors and millennial consumers highly favor.<sup>1</sup> In this ecosystem, influencers play a central role as marketers, as they are considered more credible and relatable to their followers compared to traditional advertisements.<sup>2</sup> Influencer marketing is no longer limited to simply promoting products; many influencers are now building their brands and even producing personal product lines. However, this practice raises new ethical and legal concerns. One of these is the practice of relabeling, which involves selling third-party products by replacing or covering the original label with one's brand label without the consent of the original brand owner. This practice has the potential to mislead consumers and harm the original manufacturer.<sup>3</sup>

A real case that reflects this practice involves Shella Saukia, a TikTok influencer and owner of the brand "SS." In several posts and public investigations, it was discovered that Shella allegedly sold hijabs produced by the brand Umama Scarf with the "SS" label covering the original logo.<sup>4</sup> Umama Scarf officially stated that there has never been any cooperation or collaboration with Shella Saukia, and therefore, the action is considered an ethical violation and a potential infringement of trademark law.<sup>5</sup> In her clarification, Shella admitted that the practice was carried out when she first started the business in 2019 and that the products came from suppliers who used materials from Umama, without

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<sup>1</sup> Salsabila Nur Sa'adah dkk., "Pengaruh Komunikasi Persuasif Influencer Terhadap Keputusan Pembelian di TikTok Shop," *Investama: Jurnal Ekonomi dan Bisnis* 9, no. 2 (2023): 209–20, <https://doi.org/10.56997/INVESTAMAJURNALEKONOMIDANBISNIS.V9I2.919>.

<sup>2</sup> Tirta mulyadi dkk., "Analisis Efektivitas Kampanye Influencer Marketing: Tinjauan Terhadap Pengaruh dan Persepsi Konsumen Terhadap Merek," *Jurnal Darma Agung* 32, no. 2 (2024): 872–83, <https://doi.org/10.46930/OJSUDA.V32I2.4169>.

<sup>3</sup> Aidil Arlana Hidayatullah dkk., "The Influence of Influencer Marketing and Social Media Marketing on Purchase Decisions with Brand Awareness as an Intervening Variable for TikTok Shop in Generation Z," *Dinasti International Journal of Economics, Finance & Accounting* 5, no. 6 (2025): 5678–92, <https://doi.org/10.38035/DIJEFA.V5I6.3667>.

<sup>4</sup> April, "Dicap Curang Tutupi Brand Umama Scarf, Ini Kata Shella Saukia - Ntvnews.id," Januari 2025, <https://www.ntvnews.id/hiburan/0132843/dicap-curang-tutupi-brand-umama-scarf-ini-kata-shella-saukia>.

<sup>5</sup> Amelia Putri Nuryanti, "Diduga Jual Hijab Hasil Tempel Brand Umama Scarf, Pihak Umama Scarf Bantah Kerja Sama dengan Shella Saukia - Sumsel 24," *Sumsel24.com*, Januari 2025, <https://www.sumsel24.com/public-figure/32814386774/diduga-jual-hijab-hasil-tempel-brand-umama-scarf-pihak-umama-scarf-bantah-kerja-sama-dengan-shella-saukia>.

any intention to deceive.<sup>6</sup> However, the public perceives that consumer deception still occurs due to the lack of transparency regarding the origin of the products.

In Indonesia, practices such as relabeling and misleading product representation are regulated under several national legal instruments. The most relevant provision is Law Number 8 of 1999 on Consumer Protection, which guarantees consumers' rights to accurate, clear, and honest information regarding the condition and origin of goods.<sup>7</sup> Article 8 of this law explicitly prohibits business actors from producing or trading goods and/or services that do not conform to the information stated on their labels or advertisements. Furthermore, Law Number 20 of 2016 on Trademarks and Geographical Indications provides protection for brand owners by prohibiting any unauthorized use, imitation, or modification of registered marks.<sup>8</sup> Violations of these provisions may result in both civil and criminal liability. In addition, Law Number 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition, enforced by the Business Competition Supervisory Commission (KPPU), prohibits business activities that may create unfair competition or deceive consumers. Collectively, these legal frameworks demonstrate that practices such as relabeling not only raise ethical concerns but also fall under the scope of legal prohibitions in Indonesia's consumer and business competition law systems.

Beyond the perspective of positive law, the practice of relabeling must also be examined through the lens of *fiqh muamalah* (Islamic commercial jurisprudence). In Islam, the fundamental principles of buying and selling include honesty (*ṣidq*), transparency (*bayān*), and justice (*‘adālah*). A seller is obligated to clearly explain the nature, origin, and quality of a product to avoid *tadlīs* (deception), *gharar* (uncertainty), and *ghasb* (unlawful appropriation of someone else's property without permission). The Prophet Muhammad ﷺ said: "Whoever deceives us is not one of us" (HR. Muslim No. 102). In the case of Shella Saukia, where another party's product was sold as if it were her own without disclosure or permission, such an act is, from an Islamic legal standpoint, considered invalid (*bāṭil*) and unjust (*ẓālim*), violating the principle of *ḥurmatu al-*

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<sup>6</sup> Yasinta Rahmawati, "Klarifikasi Shella Saukia yang Ketahuan Tutupi Logo Hijab Umama untuk Brand-nya: Waktu Awal Merintis...", *suara.com*, Januari 2025, <https://www.suara.com/lifestyle/2025/01/23/135212/klarifikasi-shella-saukia-yang-ketahuan-tutupi-logo-hijab-umama-untuk-brand-nya-waktu-awal-merintis>.

<sup>7</sup> Law Number 8 of 1999 regulates Consumer Protection.

<sup>8</sup> Law Number 20 of 2016 regulates Marks and Geographical Indications.

*milkiyyah* (the sanctity of property rights).<sup>9</sup> Furthermore, contemporary fiqh muamalah recognizes intellectual property rights as part of *al-māl* (wealth) that must be protected. *Majma' al-Fiqh al-Islami* and the DSN-MUI have stated that the use of intellectual works without permission constitutes a violation of sharia law, and any profit gained from such practices is considered haram. Therefore, the practice of relabeling without transparency and permission in the context of digital marketing although not yet explicitly regulated under Indonesian law is clearly in conflict with *sharia* values.

Several previous studies have examined influencer marketing and consumer protection from various legal and ethical perspectives. Hidayatullah et al. analyzed the influence of influencer marketing on purchasing decisions among Generation Z on TikTok Shop, showing that consumer trust is highly dependent on transparency and brand credibility.<sup>10</sup> Mulyadi et al. explored the effectiveness of influencer campaigns and emphasized the ethical responsibilities of digital endorsers in maintaining honesty and fairness in online commerce.<sup>11</sup> Meanwhile, Sa'adah et al. discussed persuasive communication by influencers and its impact on consumer behavior, highlighting the potential for manipulation when transparency is lacking.<sup>12</sup> However, most of these studies focus primarily on marketing effectiveness and consumer psychology rather than on legal accountability or Islamic ethical evaluation.

This research, therefore, provides novelty by combining a normative legal analysis of Indonesian consumer and business competition laws with a fiqh muamalah perspective, specifically applied to the *relabeling* case involving an influencer.<sup>13</sup> Unlike prior studies that tend to approach influencer marketing from social or economic angles, this article integrates both positive law and Islamic jurisprudence to evaluate the legality, ethics, and moral dimensions of influencer-based commerce in Indonesia's digital economy.<sup>14</sup>

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<sup>9</sup> Sri Ulfa Rahayu, "MANHAJ IMAM AN-NAWAWI DALAM KITAB SYARAH HADIS SAHIH MUSLIM," *Al-I'jaz: Jurnal Kewahyuan Islam* 6, no. 2 (2021), <https://doi.org/10.30821/AL-I>.

<sup>10</sup> Hidayatullah dkk., "The Influence of Influencer Marketing and Social Media Marketing on Purchase Decisions with Brand Awareness as an Intervening Variable for TikTok Shop in Generation Z."

<sup>11</sup> mulyadi dkk., "Analisis Efektivitas Kampanye Influencer Marketing: Tinjauan Terhadap Pengaruh dan Persepsi Konsumen Terhadap Merek."

<sup>12</sup> Sa'adah dkk., "Pengaruh Komunikasi Persuasif Influencer Terhadap Keputusan Pembelian di TikTok Shop."

<sup>13</sup> Yenny Permata Liegestu dan Asmin Patros, "PENYELESAIAN SENGKETA MEREK DI INDONESIA: STUDI PUTUSAN," dalam *Jurnal Sapientia et Virtus* |, vol. 7, no. 2 (2022).

<sup>14</sup> Universitas Krisnadwipayana dan Jl Raya Jatiwaringin, "TINDAK PIDANA TIDAK MENGGUNAKAN LABEL BERBAHASA INDONESIA PADA BARANG YANG

Given the complexity of the relabeling phenomenon in the digital marketing ecosystem, a comparative framework is needed to demonstrate how transparency standards should ideally be enforced. Therefore, although this research focuses on an analysis of Indonesian positive law and Islamic jurisprudence (*fiqh muamalah*), the Federal Trade Commission (FTC) Guidelines from the United States are used as a comparative reference. The FTC does not apply in Indonesia, but it has the most comprehensive standards regarding honesty, transparency, and disclosure obligations in endorsement practices and influencer activities. The use of the FTC in this research is intended to highlight normative gaps in Indonesian regulations, particularly the lack of specific regulations regarding mandatory disclosure of product origins, influencer business relationships, and ethical boundaries in digital marketing. Therefore, this analysis does not aim to adopt foreign laws, but rather to provide an international benchmark that can enrich the study and encourage the strengthening of national regulations to be more responsive to the rapidly evolving dynamics of digital trade.

## Method

This research is a normative legal study with a case study approach aimed at analyzing the aspects of positive law and the principles of *fiqh muamalah* in the relabeling practice carried out by influencer Shella Saukia on Umama Scarf products. This approach focuses on a normative examination of Indonesian legislation and Islamic legal principles governing trade ethics and property rights.

The data used in this study are entirely secondary data due to limited access to parties directly involved in the case. These data were obtained through library research, including primary legal materials such as Law Number 8 of 1999 on Consumer Protection, Law Number 20 of 2016 on Trademarks and Geographical Indications, and Regulation of the Minister of Trade Number 73 of 2015 on Mandatory Labeling on Goods. Secondary legal materials consist of academic journals, legal textbooks, DSN-MUI fatwas, and classical as well as contemporary scholarly opinions on ownership rights, honesty, and responsibility in commercial transactions (*muamalah*).

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DIPERDAGANGKAN DI DALAM NEGERI OLEH PELAKU USAHA,” dalam *THE JURIS*, VIII, no. 1 (2024).

In addition to examining Indonesian positive law and *fiqh muamalah* principles, this study incorporates Federal Trade Commission (FTC) regulations as a normative comparative reference. The FTC is not used as a binding legal basis, but rather as an international benchmark for evaluating transparency standards and disclosure obligations in digital marketing. This comparative perspective is necessary because Indonesia does not yet have specific regulations explicitly governing endorsement practices, product origin disclosure, or ethical boundaries for influencers. Therefore, the use of FTC guidelines in this study serves to identify gaps in Indonesia's regulatory framework and provide insight into best practices that may strengthen national policy development.

All data were analyzed using a qualitative normative method by interpreting and correlating Indonesian legal provisions with Islamic legal principles to assess the extent to which relabeling practices align with or contradict established legal norms and ethical standards in *muamalah*. While the analysis remains centered on Indonesia's legal framework, foreign regulations such as the FTC Guidelines are included solely as comparative ethical references relevant to the discussion.

### **Relabeling Practices by TikTok Influencers: A Legal Analysis under Indonesian Law with a Comparative Reference to the FTC Regulation**

The Shella Saukia case gained public attention after an alleged relabeling practice was discovered involving hijab products sold through her TikTok account and e-commerce platforms. The influencer, also known as the owner of the "SS" brand, was found to be selling hijabs that were physically very similar to those of the well-known local brand Umama Scarf. The products shared identical patterns, materials, and stitching but featured added beaded accessories placed exactly where the original Umama logo was located.<sup>15</sup> This addition was not merely an aesthetic modification but was used to conceal the original identity of the product and create the perception that the hijab was an exclusive creation of Shella Saukia's brand. This finding was supported by various social media posts and circulating screenshots showing that Shella Saukia allegedly covered or disguised the original Umama Scarf label with her brand label. There was no explanation or disclosure from Shella Saukia regarding the origin of the product, nor any indication that the item resulted from an official collaboration or licensing agreement. This strategy

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<sup>15</sup> April, "Dicap Curang Tutupi Brand Umama Scarf, Ini Kata Shella Saukia - Ntvnews.id."

created a false impression, making it appear as though the hijab was an original product of the "SS" brand, when in reality it came from another brand and was merely altered on the surface with the addition of beads. The added accessories were, in fact, used to obscure the identity of the original manufacturer, without any statement clarifying that the product originated from a third party. This practice is known as relabeling the act of replacing or covering a product's original label and marketing it as one's own.

In a public clarification, Shella Saukia admitted that the practice took place during the early stages of her business around 2019. She stated that the products were obtained from suppliers who used materials from Umama Scarf. However, she did not provide detailed information about how the collaboration process occurred or whether she had obtained official permission from the brand owner, Umama. Meanwhile, Umama Scarf responded by firmly stating that there had never been any collaboration or production contract between them and Shella Saukia. This clarification was delivered through their official social media account, where Umama emphasized that their hijab products had never been officially distributed to the "SS" brand and that the actions were carried out without their permission or approval.<sup>16</sup> This statement reinforces the suspicion that the practice carried out by Shella Saukia constitutes the use of products from another brand without a valid contract. Such actions also fall under unethical business practices and have the potential to violate laws related to trademark rights and consumer protection.

In today's highly competitive digital business landscape, especially in the realm of influencer marketing, ethics serve as a fundamental foundation that business actors cannot overlook. Public trust is the main capital supporting the sustainability of influencers' businesses, where the relationship between them and their audience is personal and emotional. When an influencer promotes or sells a product, consumers often do not just buy the item itself, but also the values associated with that public figure from lifestyle and principles to personal credibility. Therefore, any unethical action taken by an influencer, no matter how small, can have a significant impact on public perception and can erode the trust that has been built over the years. In this case, Shella Saukia's act of selling hijabs from another brand, namely Umama Scarf, by replacing the original label with her brand label without permission or official cooperation, clearly violates the

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<sup>16</sup> Nuryanti, "Diduga Jual Hijab Hasil Tempel Brand Umama Scarf, Pihak Umama Scarf Bantah Kerja Sama dengan Shella Saukia - Sumsel 24."

fundamental principle of business honesty,<sup>17</sup> This is one of the fundamental elements in conventional business ethics. The principle of business honesty requires every business actor to provide accurate, complete, and non-misleading information to consumers. This includes clarity regarding the origin of the product, the production process, and who is responsible for the quality of the goods sold. In Shella's relabeling practice, there is a significant manipulation of product identity. This action not only conceals the fact that the product originates from a third party but also creates a false impression that the product is an exclusive creation of the SS brand. From a business ethics perspective, this constitutes misrepresentation, as it hides important information namely the product's origin that can influence consumers' purchasing decisions. In many legal systems, such practices are not only considered unethical but can also serve as grounds for legal claims of fraud or breach of contract. Furthermore, this behavior has the potential to damage a healthy business environment by encouraging unfair practices that harm other businesses operating honestly and transparently.

When an influencer uses their fame to sell products from other parties by replacing labels without consent, they indirectly cut off the proper distribution channels and disregard the ethics of cooperation that should be based on a valid contract. In the long run, this practice creates an unhealthy competitive climate where honest businesses that comply with regulations are disadvantaged because they must compete with those who take shortcuts without respecting the rights of the original producers.<sup>18</sup> Moreover, this also has the potential to lower the standard of integrity in the influencer marketing world, which ultimately can erode the industry's overall credibility in the eyes of the public.

The rapid growth of the digital economy has encouraged business actors to adopt influencer-based marketing strategies. In Indonesia, this trend is not limited to major brands but has also expanded to the MSME sector, which increasingly relies on influencers' personal branding to broaden market reach. According to a survey conducted by Populix and published by DailySocial.id (2023), 60.9% of businesses have utilized influencer services in their marketing activities. Among them, 55.7% stated that

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<sup>17</sup> Manuel G. Velasquez, "Business Ethics: Concepts and Cases," Juni 2021, <https://www.pearson.com/en-us/subject-catalog/p/business-ethics-concepts-and-cases/P200000003111/9780137540969>.

<sup>18</sup> Angelita Dumawati Losung dkk., *KAJIAN HUKUM TENTANG PELANGGARAN HAK CIPTA DITINJAU DARI UNDANG-UNDANG HAK CIPTA 1 Oleh*, IX, no. 9 (2021).



influencer marketing directly contributed to a significant increase in their product sales, especially through digital platforms such as Instagram, TikTok Shop, and Shopee.

Figure 1

Engagement rate of Indonesian and global influencers



Source: Corry Anestia, 2024.

This data from figure 1 indicates that influencers now serve not only as promotional agents but also as integral parts of the business communication and distribution chain.<sup>19</sup> However, the rise of influencer marketing has not always been accompanied by an adequate understanding of legal frameworks or business ethics. Numerous cases have emerged where influencers engaged in promotional activities without disclosing the product's origin, including reselling third-party products under their private labels without authorization, as exemplified in the case of Shella Saukia. In this context, the widespread use of influencers has created greater potential for violations such as relabeling, misleading endorsements, and intellectual property infringements, particularly in the absence of specific regulations mandating transparency in product information. The lack of clear legal provisions leaves consumers vulnerable to deception through curated images of exclusivity that do not reflect the actual condition or origin of the products.

Therefore, this trend data reinforces the urgent need for explicit regulations regarding digital marketing practices involving influencers in Indonesia. Legal instruments are needed not only to keep pace with technological developments but also to protect the rights of producers, ensure consumer honesty, and uphold the integrity of

<sup>19</sup> Corry Anestia, "Data Tren Pemasaran 'Influencer' di Indonesia," Februari 2024, <https://cms.dailysocial.id/post/menyimak-data-tren-pemasaran-influencer-di-indonesia/>.

the digital marketplace. Without a strong regulatory framework, relabeling practices such as those committed by influencers in this case study will remain difficult to control and may significantly erode public trust in the e-commerce ecosystem.

The Federal Trade Commission (FTC), as the consumer protection agency in the United States, has a strong mandate to oversee business practices, particularly in digital marketing and advertising. Its Endorsement Guidelines require influencers to disclose material relationships, such as financial or contractual interests, that could influence audience perceptions. This requirement demonstrates a high standard of transparency, requiring that any information potentially influencing consumer decisions be communicated honestly and clearly.<sup>20</sup> From the FTC's perspective, disclosure of a material relationship includes clarity about the product's origin, particularly when the goods are obtained from a third party and then relabeled. If a product originates from another manufacturer but is marketed as an influencer exclusive without disclosure, this constitutes a misleading practice. According to the FTC's Endorsement Guidelines, information that could influence a consumer's purchasing decision must be clearly communicated and must not be hidden or obscured.<sup>21</sup>

However, the FTC standards used in this study are not intended to apply US law to Indonesian cases, but rather to provide a comparison. From a comparative perspective, relabeling practices like those employed by Shella Saukia would fall into the category of "deceptive practices" if they occurred in US jurisdictions. This comparison helps demonstrate that relabeling without disclosure is a serious violation of the principle of fairness in digital marketing. The FTC has robust enforcement mechanisms against consumer fraud, ranging from investigations and administrative sanctions to cease-and-desist orders. While the details of these sanctions are not intended to be applied to the Indonesian context, this overview demonstrates how international standards place transparency as a key pillar of consumer protection. This can serve as an ethical reference for Indonesia in strengthening regulations regarding digital marketing. Thus, the FTC standards emphasize the importance of transparency in digital marketing activities. Relabeling without disclosure is not only considered a violation of business ethics but

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<sup>20</sup> Admin, "Hukum Copyright Dalam Islam dan Dalilnya," DalamIslam.com, 2025, <https://dalamislam.com/hukum-islam/hukum-copyright-dalam-islam>.

<sup>21</sup> Admin, "15 U.S. Code § 45 - Unfair methods of competition unlawful; prevention by Commission | U.S. Code | US Law | LII / Legal Information Institute," 2025, <https://www.law.cornell.edu/uscode/text/15/45>.

also harms consumers by creating false perceptions about product identity. While this practice falls outside the FTC's jurisdiction, this regulatory model provides a glimpse into global expectations regarding transparency, product authenticity, and influencer accountability.

The Shella Saukia case demonstrates that the development of Indonesia's digital economy is not matched by adequate regulation. Influencers now not only promote products, but also carry out direct branding, production, and distribution.<sup>22</sup> The absence of specific regulations regarding disclosure obligations by influencers makes relabeling practices difficult to control, thus opening up space for ethical violations and consumer losses. Indonesian positive law actually provides basic protection through Law Number 8 of 1999 concerning Consumer Protection. In the context of relabeling, failure to provide information regarding the origin of a product can be categorized as a misleading practice as regulated in Article 8. Although there are no specific regulations regarding influencers, the general principles of Law 8/1999 can still be used as a basis for consumer protection.<sup>23</sup> Law Number 20 of 2016 concerning Trademarks and Geographical Indications is also relevant, because the act of changing a brand label without permission violates the exclusive rights of the brand owner.<sup>24</sup> In Shella's case, the closure or overwriting of the Umama Scarf brand potentially violates Article 83 paragraph (1). However, to date there are no specific regulations regarding trademark infringement in the context of digital rebranding mediated by influencers.

The absence of regulations specifically addressing labeling transparency and influencer disclosure obligations creates a significant legal gap. Comparisons with the FTC demonstrate that comprehensive regulations can encourage more ethical and transparent marketing practices. Therefore, Indonesia needs to strengthen its legal framework to address the dynamics of digital marketing, including endorsements, affiliations, and relabeling. A new legal framework or revisions to existing regulations are needed to provide better consumer protection, prevent unfair business competition, and increase legal awareness among digital businesses. By reviewing international best

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<sup>22</sup> Admin, "The Digital Economy Landscape in Indonesia – AASYP," diakses 6 Juni 2025, <https://aasyp.org/2023/06/10/the-digital-economy-landscape-in-indonesia/>.

<sup>23</sup> Law Number 8 of 1999 regulates Costumers Protection.

<sup>24</sup> Law Number 20 of 2016 regulates Marks and Geographical Indications.

practices such as FTC standards, Indonesia can develop regulations that are more adaptive, robust, and aligned with the development of the national digital ecosystem.

### **Fiqh Muamalah Review of Relabeling Practices by Influencers**

From the perspective of *muamalah* jurisprudence, the practice of relabeling products without the permission of the original brand owner as occurred in the case of Shella Saukia, who sold hijabs produced by Umama Scarf by changing the label to "SS" is an action that contradicts several fundamental principles in Islamic economic law. Islam not only regulates ritual acts of worship, but also provides comprehensive guidance in *muamalah*, including aspects of buying and selling, production, and distribution of goods. The core principles of *muamalah* jurisprudence such as *ṣidq* (honesty), *‘adālah* (justice), *amānah* (trust), and transparency are ethical foundations that must be upheld by every business actor. In every transaction, the seller is not only required to deliver goods by the contract, but is also obliged to provide honest and complete information to the buyer, especially regarding the origin, quality, and condition of the goods.<sup>25</sup> Any ambiguity in information especially if done intentionally to conceal certain facts is, in Islamic law, categorized as *tadlīs*, which refers to deceptive acts or the concealment of flaws and the true nature of goods to gain unlawful profit. The concept of *bay‘ al-tadlīs*, as developed by classical scholars such as Imam al-Nawawi and Imam al-Ghazali, refers to a form of sale and purchase that involves deceptive information, whether explicitly or implicitly (Zuhayli al-Wahbah, 1989). In Shella’s case, the act of replacing the original Umama Scarf label with her own private "SS" label without disclosing that the product was not of her production is a clear example of *tadlīs fī al-ṣifah* (fraud related to product attributes). This creates a false impression that the product is exclusively produced by the "SS" brand.

According to the views of the *fuqahā’* (Islamic jurists), such a practice renders the sale and purchase agreement *ghayr ṣarīḥ* (non-transparent or unclear), which may lead to a *fāsid* (invalid or corrupted) transaction status due to the element of deception that causes harm to one party, namely the consumer (Yusuf al-Qaradawi, 1999). The Messenger of Allah ﷺ clearly said:

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<sup>25</sup> Sarwo Edy, “Hukum Islam dan Akhlaq sebagai Pilar Utama dalam Manajemen Bisnis Islami,” dalam *Jurnal Muamalah dan Ekonomi Syari’ah*, vol. 5, no. 2 (2023).

مَنْ عَشَّنَا فَلَيْسَ مِنَّا

"Whoever deceives us, then he is not part of our group" (HR. Muslim No. 102)

It is often cited by the *fuqahā'* as a foundational *hadith* to prohibit all forms of manipulation in muamalah, including acts that mislead consumers regarding the origin of goods or involve rebranding without contractual clarity. In addition to the element of *tadlīs*, relabeling practices such as these also involve *gharar* a term referring to uncertainty or ambiguity that may result in harm or loss to one of the parties involved in a transaction. In this context, *gharar* arises from the consumer's lack of knowledge regarding the true origin or producer of the product, which is intentionally concealed by the seller. This deliberate omission leads to asymmetrical information and violates the principle of transparency upheld in Islamic commercial ethics. *Gharar* is strictly prohibited in Islam because it creates inequality in transactions and opens the door to the exploitation of the less informed party. Prominent scholars such as Imam al-Shafi'i and Imam al-Nawawi emphasized that *gharar* which causes substantial regret, or results in a lack of clarity regarding the object of sale, can render the contract invalid or *bāṭil* (null and void).<sup>26</sup>

Furthermore, the act of taking another party's product and replacing it with a new label without permission also falls under the category of *ghasb*, which refers to the unlawful seizure or use of another person's property without right. Even if the product was legally purchased from a distributor or third party, if there is no explicit permission or contractual agreement that allows the alteration of the brand or product identity, then such an act is still considered a violation of *ḥaqq al-milkiyyah* (property rights).

In contemporary Islamic jurisprudence, scholars have recognized intellectual property rights including trademarks, logos, and product designs as part of wealth (*al-māl al-ma'nawī*) that must be protected and respected. Therefore, using another party's brand for personal gain without permission or a valid agreement is considered a *ẓulm* (injustice) and a *bāṭil* (invalid or false) act. This position aligns with established *fiqh* maxims such as: "*Al-ḍarar yuzāl*" (harm must be eliminated), and the prophetic *hadith*: "*Lā yaḥillu māl*

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<sup>26</sup> Rahayu, "MANHAJ IMAM AN-NAWAWI DALAM KITAB SYARAH HADIS SAHIH MUSLIM."

*imri 'in muslimin illā bi ṭibi nafsin minhū*" "It is not lawful to take the property of a Muslim except with his full consent." (HR. Aḥmad and al-Dāraqūṭnī). Thus, from the perspective of Islamic transactional law, the practice of relabeling products without the permission of the original brand owner as seen in the case of Shella Saukia not only violates ethical principles in commerce, but also undermines key values of the Islamic economic system. The action embodies elements of fraud (*tadlīs*), ambiguity (*gharar*), and infringement of property rights (*ghasb*) making it unjustifiable under *Sharia*.

Authoritative institutions such as *Majma' al-Fiqh al-Islāmī* (the International Islamic Fiqh Academy) and the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) have strengthened the sharia legal basis regarding the protection of intellectual property rights, including copyrights, patents, and trademarks. According to the views of these contemporary scholars, intellectual property is considered part of *al-māl al-ma'nawī* (intangible assets) that possess economic value and legitimate utility, and therefore must be given the same legal protection as tangible physical assets. Based on this framework, any form of utilization of a person's or institution's intellectual work without clear and explicit permission from its rightful owner be it through use, reproduction, duplication, or redistribution is regarded as an act of *bāṭil* (invalid) and *ẓulm* (oppression or injustice), as it entails benefiting from something to which one has no legitimate claim. This principle is reinforced by DSN-MUI Fatwa No. 1 of 2000, which explicitly states that the unauthorized use of another party's intellectual property is prohibited under sharia. Furthermore, any profits or assets derived from such unlawful use are classified as *ḥaram* (unlawful) property, as they are acquired through means that violate Islamic legal and ethical standards.

Referring to a source from DalamIslam.com, copyright in the perspective of *sharia* is defined as an exclusive right granted to individuals or institutions that create a work be it a design, product, logo, or trademark.<sup>27</sup> This perspective emphasizes that in Islamic law, rights over creative works are not merely a matter of formal legality as in the context of positive state law, but are deeply rooted in moral values and justice, which are highly upheld in Islamic teachings. Intellectual property is regarded as the result of a person's effort, creativity, and hard work, and is thus acknowledged in Islamic law as part

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<sup>27</sup> Dian Latifiani dkk., *PENTINGNYA HAK KEKAYAAN INTELEKTUAL SEBAGAI HAK BENDA BAGI HAK CIPTA ATAU MERK PERUSAHAAN*, vol. 31, no. 1 (2022).

of the legitimate ownership rights (*ḥaqq al-milkiyyah*) of the creator. Accordingly, usurping, using, or claiming such property without permission is a clear violation of those rights akin to the act of stealing another person's tangible wealth. In contemporary *fiqh* literature, such actions are often referred to as *sariqah al-ḥaqq* (theft of rights), and are considered a major sin (*kabā'ir*) when done knowingly and intentionally particularly if the motive is to obtain economic gain through unilateral and illegitimate means. This not only harms personal relationships between individuals, but also disrupts social order and violates the principle of economic justice, as the perpetrator benefits from someone else's work without providing compensation or obtaining the consent of the rightful owner. Using a brand or intellectual work without permission is, therefore, a form of taking advantage of someone else's property. This falls under the scope of the Prophet Muhammad ﷺ's prohibition, as conveyed in the *hadith*:

لَا يَحِلُّ مَالُ امْرِئٍ مُسْلِمٍ إِلَّا عَنْ طَيِّبِ نَفْسٍ مِنْهُ

"Wealth is not halal" a Muslim except with the consent of its owner ." (HR. Ahmad and Daruquthni).

Furthermore, fatwas issued by various international fatwa institutions such as the Islamic Fiqh Academy under the Organization of Islamic Cooperation (OIC) have affirmed that intellectual property rights hold equal sharia status with tangible assets (*al-amwāl al-māddiyyah*), as both can serve as valid objects of transaction (*ma'qūd 'alayh*) and possess recognized economic value in society. Therefore, violating these rights is not merely an administrative issue, but rather a form of oppression (*ẓulm*) and betrayal of public trust. In the context of today's digital economy, violations of intellectual property particularly trademarks and product designs are highly critical issues, as they can undermine the principles of justice in profit distribution, disrupt fair market competition, and create inequities in ownership rights and revenue allocation.<sup>28</sup>

Hence, the sharia perspective on intellectual property rights is clear and unequivocal: any form of creation, innovation, or commercial brand that carries economic value must be respected, protected, and may not be used without contractual agreement

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<sup>28</sup> Admin, "Resolution on Intellectual Property Rights," Islamic Fiqh Academy, Organization of Islamic Cooperation (OIC), 2025.

or explicit permission from its rightful owner. The case of Shella Saukia serves as a concrete example of how violations of these principles can cause not only material losses, but also moral and social harm. It underscores the urgent need for *sharia*-based legal education and awareness among business actors, especially within the digital business ecosystem, which often experiences rapid innovation without being balanced by adequate legal understanding. Fatwas and scholarly studies thus play a crucial role in strengthening the ethical foundation of *sharia*-compliant commerce and in encouraging the development of a fair, trustworthy, and accountable digital economy.

To further clarify the differences in approach between international law, national law, and Islamic jurisprudence regarding relabeling practices especially by influencers or resellers the following table provides a summary comparison of key legal and ethical principles in each system. It covers essential aspects such as transparency, intellectual property protection, legal sanctions, and moral obligations:

Table 1

Comparison FTC regulations, Indonesian law, and sharia regarding relabeling.

| Aspect                               | FTC (United States)                                                                            | Indonesian Law                                                                                               | Sharia (Muamalah Jurisprudence)                                                                                                      |
|--------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Transparency &amp; Disclosure</b> | Requires explicit disclosure of material connections and product origin                        | Regulated under the Consumer Protection Act (Articles 4 & 8), but not specifically for influencer relabeling | <i>Bayān</i> (clear explanation) in contracts is obligatory; <i>gharar</i> (ambiguity) and <i>tadlīs</i> (fraud) are prohibited      |
| <b>Intellectual Property Rights</b>  | Strong protection for brands, logos, and products under federal law; violations are punishable | Protected under Law No. 20 of 2016 on Trademarks and Geographical Indications                                | Brands fall under <i>ḥaq al-milkiyyah</i> (property rights); unauthorized use is considered <i>ghasb</i> (usurpation)                |
| <b>Sanctions</b>                     | Fines, compensation, business termination, and possible class-action lawsuits                  | Subject to administrative, civil, or criminal penalties depending on the nature of the violation             | Transactions may be deemed <i>bāṭil</i> (invalid); profits are considered <i>ḥaram</i> , and the violator bears moral accountability |
| <b>Business Ethics</b>               | Emphasizes "no deceptive advertising"; all disclosures must be                                 | Based on the principles of justice and truthful                                                              | Emphasizes <i>ṣidq</i> (honesty) and <i>amānah</i> (trust); guided by the hadith: " <i>Lā yaḥillu</i>                                |



|                                        |                                                                                          |                                                            |                                                                                                                 |
|----------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|                                        | honest and transparent                                                                   | consumer information                                       | <i>māl imri 'in muslimin..."</i>                                                                                |
| <b>Influencer-Specific Regulations</b> | Governed by the FTC Endorsement Guides, which specifically regulate influencer practices | No explicit legal provisions for influencers or relabeling | Governed by DSN-MUI fatwas and general <i>fiqh muamalah</i> principles on ethical conduct and transparency      |
| <b>Main Purpose of Regulation</b>      | To protect consumers from deception and ensure fairness in digital markets               | To protect both consumer rights and brand owners           | To ensure halal, fair, and transparent transactions; to safeguard ownership and prevent <i>ẓulm</i> (injustice) |

Source: author analysis

Through this comparison, it can be seen that although all three frameworks share common ground in emphasizing the importance of transparency and consumer protection, the approaches they take differ according to their respective value systems. The FTC emphasizes material transparency and disclosure, Indonesian law upholds consumer and brand ownership protection, while *Sharia* is founded on the principles of honesty (*ṣidq*), clarity in contracts (*bayān*), and the prohibition of taking others' rights without permission (*ghasb*). This review is important to demonstrate that the practice of relabeling is not only legally risky from a positive law perspective but also highly problematic from ethical and Islamic legal standpoints.

## Conclusion

The case of relabeling Umama Scarf products by influencer Shella Saukia demonstrates clear violations of honesty, transparency, and fair business conduct in Indonesia's digital marketplace. The practice breaches key provisions of consumer protection, trademark law, and fair competition regulations, while also constituting *tadlīs*, *gharar*, and *ghasb* from the perspective of *fiqh muamalah*. Comparative insights from U.S. Federal Trade Commission (FTC) guidelines further affirm that such deceptive relabeling contradicts internationally recognized standards for influencer marketing and truth-in-labeling. This case highlights systemic gaps in Indonesia's regulation of digital commerce and influencer accountability.

To address these issues, Indonesia needs clearer, stricter, and more enforceable regulations governing influencer marketing, brand labeling, and online business ethics. Strengthening supervision, establishing mandatory disclosure rules, and aligning national law with Islamic commercial ethics and relevant international best practices—such as FTC transparency standards—will enhance consumer protection and uphold producers’ rights. These measures are essential for fostering a trustworthy, competitive, and ethically grounded digital economy. [m]

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