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The Application of the Double Track System in Consumer Protection for Brand Counterfeiting in Tapioca Flour Skincare from the Perspective of Maslahah Mursalah

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ABSTRACT

This study aims to analyze the application of *the Double Track System* in consumer protection against counterfeiting of tapioca flour-based skincare products on digital *platforms*, as well as the accountability of perpetrators based on *the perspective of Maslahah Mursalah*. This study uses a normative legal method with a qualitative approach. The approaches applied include: legislative, conceptual, and analytical. The source of legal materials consists of primary, secondary, and tertiary materials, including the Consumer Protection Law, the Trademark Law and Geographical Indications, the Electronic Information and Transaction Law, books, scientific journals, and other supporting legal sources, then analyzed qualitatively. The results of the study show that *the Double Track System* allows the application of criminal sanctions of imprisonment and fines accompanied by recovery efforts through civil or administrative mechanisms for payment of compensation to consumers in accordance with legal provisions. The implementation of this system aims to protect consumers, prevent financial losses and consumer health risks, and provide a deterrent effect to perpetrators. In addition, supervision and reporting mechanisms on digital platforms also support law enforcement. From the perspective *of maslahah mursalah, the* accountability of the perpetrator emphasizes the goals of sharia (*Maqashid al-Shariah*), the principle of maslahah, *Dar' al-Mafasid*, ijtihad in the contemporary context, and the principle of justice and balance. This approach ensures the protection of consumer rights, prevents harm, and encourages sound economic practices. Thus, *the Double Track System* not only upholds formal justice, but also realizes the benefits of society as a whole, in line with the principles of Islamic law and the mandate of the 1945 Constitution in the context of digital trade.

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Introduction

The development of modern commerce has strengthened the role of brands as indicators

of product identity, quality, reputation, and consumer trust. A brand is not merely a means of distinguishing one product from another; it also represents the reputation and commercial value developed by a business over time. Consequently, the unauthorized use of registered trademarks and the circulation of counterfeit products can harm legitimate trademark owners by undermining their reputation and market position. Consumers may also suffer losses when products marketed as genuine do not meet expected quality and safety standards (Panji & Alif, 2024). Trademark protection is therefore important not only for safeguarding the exclusive rights of brand owners but also for preventing consumer deception and supporting fair commercial practices.

In Indonesia, trademark protection is based on the constitutive principle, commonly associated with the *first-to-file* system, under which trademark rights are generally acquired through registration in accordance with applicable legislation. Registered trademark owners are entitled to legal protection against unauthorized use of their marks. Nevertheless, the existence of legal protection does not automatically eliminate infringement. The enforcement of trademark rights may require active reporting and legal action by the rights holder, while the volume and distribution of counterfeit products can make individual violations difficult to address effectively. Previous discussions of trademark protection have highlighted the importance of registration and enforcement in protecting brand owners and maintaining consumer trust (Tri Retno Herryani et al., 2024). Weak enforcement and limited deterrence have also been identified as concerns in addressing trademark infringement (Wimpertiwi et al., 2024). These issues become more complex when counterfeit products are distributed through digital platforms, where sellers can reach consumers across geographical boundaries.

The expansion of electronic commerce (*e-commerce*) has changed the way products are promoted, distributed, and purchased. Marketplaces and social media platforms enable business actors to reach wider markets, including consumers seeking skincare products. However, these channels can also be exploited to market counterfeit or unauthorized products, particularly when product authenticity and safety are difficult for consumers to verify before purchase (Malik et al., 2026). Skincare products require particular attention because they are applied directly to the body and may cause health problems when manufactured with inappropriate ingredients or distributed without meeting applicable safety requirements. According to (Wardani & Raharjho, 2026) iscuss the circulation of counterfeit branded skincare products, including products lacking the required distribution authorization, while (Panjaitan et al., 2025) highlights the potential health risks associated with unsafe products. From a consumer protection perspective, Law Number 8 of 1999 concerning Consumer Protection establishes rights relating to comfort, security, and safety in the use of goods and services. Nevertheless, the continued circulation of allegedly counterfeit and unsafe skincare products raises questions about the effectiveness of legal protection, the accountability of business actors, and the availability of remedies for affected consumers (Zulham, 2017).

The seriousness of this issue is illustrated by cases involving the production and online distribution of counterfeit skincare products. In 2025, police reportedly uncovered a skincare production facility in Bekasi where products were made using tapioca flour and other ingredients whose suitability was questionable. According to media reports, the products were marketed online, and eight suspects were identified in connection with the case (detikcom, 2025). Another case involved online stores identified as "PUSAT GLOWING STORE" and "GLOW SOLUTION," which reportedly marketed counterfeit skincare products through online marketplaces at prices substantially lower than those of genuine products. The products were repackaged to resemble official products before being distributed to consumers (tribratanews.polri.go.id, 2025). These cases illustrate the

intersection of several legal concerns: the alleged counterfeiting of branded products, potential violations of consumer protection requirements, risks associated with unsafe cosmetics, and the challenge of obtaining remedies for consumers who have suffered losses.

Figure 1
Skincare Product Counterfeiting



Source: (tribratanews.polri.go.id, 2025)

Previous studies have examined different aspects of these problems (Susianto et al., 2025) discusses consumer protection in cases involving the purchase of counterfeit skincare through Shopee, including questions concerning the marketplace's liability for consumer losses. (Wardani & Raharjho, 2026) examine the circulation of counterfeit branded skincare on Shopee and the associated implications for trademark protection and consumer safety. (Ababil et al., 2025) approach the issue of cosmetics containing hazardous ingredients through the perspective of *Maqashid al-Shari'ah*, particularly the protection of life and property. (Nurzannah et al., 2024) and (Jannah et al., 2026) focus on the unauthorized use of registered trademarks on products marketed through online marketplaces. Meanwhile, (Rani Badarudin et al., 2022) and (Nurwani et al., 2026) discuss consumer losses in marketplace transactions and the problems associated with refund mechanisms and business actor accountability. Collectively, these studies demonstrate that counterfeit and problematic products raise interconnected issues involving trademark rights, product safety, business responsibilities, and consumer remedies.

Despite these contributions, the issues identified in the previous studies remain analytically distinct. Research on counterfeit skincare has emphasized consumer protection, trademark infringement, marketplace liability, hazardous ingredients, or the protection of consumers from an Islamic legal perspective. However, the specific problem addressed in this study is how criminal accountability for counterfeit skincare production and distribution can be examined alongside the restoration of consumer rights, particularly when consumers experience both physical and financial losses. The research therefore focuses on the relationship between criminal law enforcement against perpetrators and the availability of legal remedies for affected consumers. It also considers how these two dimensions can be evaluated through the principle of Maslahah Mursalah. The originality of this study lies in bringing these perspectives into a single analytical framework for examining counterfeit skincare products, rather than treating criminal punishment, consumer compensation, and public benefit as separate issues. This proposed contribution is analytical and contextual: it seeks to clarify how the frameworks can complement one another, while recognizing that their legal bases and implementation mechanisms remain distinct.

The Double Track System provides one conceptual starting point for this analysis. In criminal law discourse, the term generally refers to a system that recognizes both criminal sanctions and measures as forms of legal response, subject to the applicable statutory framework. In the context of counterfeit skincare, criminal sanctions may serve to hold

responsible parties accountable and deter further violations. However, punishment alone does not necessarily restore the position of consumers who have experienced skin damage, paid for counterfeit products, or incurred additional expenses because of their use. Consumer recovery may require separate legal mechanisms, including compensation or other remedies available under applicable consumer protection and civil law provisions. Accordingly, this study uses the Double Track System as a starting point for examining the relationship between punitive responses and consumer recovery, while distinguishing the criminal-law concept of sanctions and measures from civil compensation and other consumer remedies. This distinction is necessary to avoid assuming that compensation automatically forms part of the criminal sanction imposed on a perpetrator.

The analysis is further developed through the perspective of Maslahah Mursalah, an Islamic legal principle concerned with considerations of public benefit where an issue is not addressed by a specific textual ruling, subject to the conditions established in Islamic jurisprudence. Applied to counterfeit skincare, this perspective provides a normative basis for evaluating whether legal responses protect the interests of consumers and the wider community. The relevant interests include the protection of health and life, the safeguarding of property, the prevention of deception, and the promotion of accountability in commercial activities. These considerations are consistent with the broader objectives of Islamic law concerning the protection of essential human interests. Nevertheless, Maslahah Mursalah should not be treated as a substitute for positive law or as an independent basis for imposing legal sanctions. Rather, it serves in this study as an analytical perspective for assessing the public benefits and consumer-protection implications of legal mechanisms established under Indonesian law.

The integration of the Double Track System and Maslahah Mursalah thus enables the study to examine two related but distinct questions. The first concerns the legal response to parties responsible for producing and distributing counterfeit or unsafe skincare products. The second concerns whether consumers who suffer physical and financial losses have access to effective remedies and whether the overall response protects the broader public interest. This analysis also raises questions about the role of online marketplaces in addressing the circulation of illegal products, including the verification of sellers and product authorization, the handling of consumer complaints, and the removal of products identified as unlawful. The extent of platform responsibility must, however, be assessed in accordance with the applicable legal framework and the facts of each case rather than assumed solely from the presence of a product on a marketplace.

Based on this background, this study aims to analyze the legal protection available to consumers affected by counterfeit skincare products marketed through online platforms, examine the relationship between criminal accountability and the restoration of consumer rights through applicable compensation or other remedies, and evaluate these mechanisms from the perspective of Maslahah Mursalah. More specifically, it investigates how the Double Track System can inform the analysis of legal responses to counterfeit skincare cases, what legal avenues may be available to consumers experiencing physical and financial losses, and how the principles of public benefit, protection of life, and protection of property can inform the evaluation of consumer protection. Through this analysis, the study seeks to contribute a more integrated understanding of legal protection against counterfeit skincare by connecting enforcement against perpetrators with the practical interests of affected consumers and the wider community.

Method

This study employs normative legal research with a qualitative analytical approach. It examines the legal framework governing consumer protection against counterfeit branded

skincare products, particularly products allegedly manufactured using tapioca flour and other ingredients of questionable safety, and analyzes the relationship between legal accountability and the restoration of consumer rights from the perspective of Maslahah Mursalah. Normative legal research is appropriate because the study focuses on legal norms, principles, and concepts rather than measuring the prevalence of counterfeiting or the effectiveness of law enforcement through empirical fieldwork (Peter Mahmud Marzuki, 2020).

Three approaches are used: the statutory approach, the conceptual approach, and the analytical approach. The statutory approach examines the relevant legislation governing consumer protection, trademark infringement, electronic transactions, and the safety of cosmetic products. The conceptual approach examines the *Double Track System*, consumer remedies, and *Maslahah Mursalah* as analytical concepts. The analytical approach is used to interpret the relationship between these legal frameworks and assess whether the available legal mechanisms address both the accountability of perpetrators and the protection of consumers who suffer physical or financial losses. The legal materials consist of primary, secondary, and tertiary legal materials collected through library research. Primary legal materials include legislation directly relevant to the research questions, particularly Law Number 8 of 1999 concerning Consumer Protection; Law Number 20 of 2016 concerning Trademarks and Geographical Indications; and Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016 and subsequently by Law Number 1 of 2024. The study also considers relevant legislation governing health and cosmetic safety, including Law Number 17 of 2023 concerning Health and implementing regulations applicable to cosmetics, insofar as they are relevant to the alleged production and distribution of unsafe skincare products.

The statutory analysis focuses on provisions that establish consumer rights and business obligations, prohibit the distribution of goods that fail to meet applicable requirements, and regulate compensation and dispute resolution. In particular 63 of Law Number 8 of 1999 concerning Consumer Protection are examined insofar as they relate to consumer rights, business actor responsibilities, compensation, evidentiary issues, dispute resolution, and legal sanctions. Under Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the analysis considers Article 83 on civil claims by trademark owners and Articles 100 and 102 concerning specified forms of trademark infringement and the trade in infringing goods, subject to the elements and conditions established in the respective provisions. The relevant provisions of electronic transaction and cosmetic safety legislation are examined to determine their applicability to online distribution and the circulation of products that may violate legal requirements. Each provision is interpreted within its statutory context, and its applicability is assessed according to the legal elements that must be established rather than assumed solely from the reported existence of counterfeit products. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, and previous studies addressing normative legal research, trademark protection, consumer protection, online marketplace transactions, criminal sanctions, consumer compensation, and *Maslahah Mursalah*. These materials are used to clarify the meaning and scope of the relevant legal concepts and to compare the present analysis with existing scholarship. Tertiary legal materials, including legal dictionaries and encyclopedias, are used to clarify terminology where necessary. The selection of legal materials is based on their relevance to the research questions, their authority, and their relationship to the applicable legal framework (McConville, 2017).

The analysis is conducted in four stages. First, the relevant legal materials are identified and classified according to the issues of trademark infringement, consumer protection, criminal accountability, consumer remedies, and cosmetic safety. Second, the applicable

statutory provisions are interpreted systematically to examine the rights and obligations of consumers, business actors, trademark owners, and other relevant parties. This stage distinguishes the legal consequences of trademark infringement from violations relating to product safety and consumer protection, since these issues may involve different legal elements and remedies. Third, the study analyzes the relationship between criminal accountability and the restoration of consumer rights (Ihugba, 2020).

The Double Track System is examined within its criminal-law meaning, particularly the distinction between criminal sanctions and measures recognized under the applicable legal framework. Consumer compensation and other forms of recovery are analyzed separately under the relevant consumer protection and civil law provisions. This distinction is intended to determine how the legal system addresses both accountability for unlawful conduct and the losses suffered by consumers, without assuming that civil compensation automatically forms part of a criminal sanction. Fourth, the relevant legal mechanisms are evaluated from the perspective of Maslahah Mursalah. The analysis considers whether the applicable framework supports the protection of life and health (hifz al-nafs), the protection of property (hifz al-mal), the prevention of harm, and the realization of public benefit. These principles are used as normative criteria for assessing the extent to which legal protection addresses consumer safety, financial losses, accountability, and the prevention of recurring harm. This Islamic legal perspective complements, rather than replaces, the requirements of Indonesian positive law.

Results and Discussion

Legal Framework for the Accountability of Counterfeit Skincare Sellers on Digital Platforms

The circulation of counterfeit branded skincare products through digital platforms involves interconnected legal issues relating to trademark infringement, consumer protection, product safety, and electronic commerce. These issues should be distinguished because they concern different legal interests and may result in different forms of accountability. Trademark law protects the rights associated with registered marks, consumer protection law safeguards consumers' rights and provides remedies for losses, while health and cosmetics regulations establish requirements relating to product safety, quality, and distribution. Previous studies have examined several aspects of these problems. Riqoyani (2021), for example, examined consumer protection in cases involving counterfeit skincare purchased through Shopee, highlighting the relevance of consumer rights and accountability for consumer losses. Similarly, Silalahi and Soemartono (2024) focused on the liability of business actors for counterfeit branded skincare products sold through the Shopee marketplace.

These studies establish the importance of examining counterfeit skincare not merely as a trademark issue but also as a consumer-protection problem. The present study extends this discussion by distinguishing the legal bases for criminal, civil, and administrative accountability and examining how these mechanisms can work together to protect consumers in digital commerce. In Indonesia, the principal legal framework includes Law No. 20 of 2016 on Trademarks and Geographical Indications, Law No. 8 of 1999 on Consumer Protection, Law No. 17 of 2023 on Health, Government Regulation No. 80 of 2019 on Trading Through Electronic Systems, and the applicable implementing regulations on cosmetics. Law No. 11 of 2008 on Electronic Information and Transactions, as amended, including by Law No. 1 of 2024, may also be relevant to electronic transactions and information communicated through digital platforms.

These legal instruments provide complementary legal bases and should not be treated

as interchangeable. Under the Trademark Law, Articles 100 and 102 provide criminal provisions concerning specified forms of trademark infringement and the trading of goods or services connected with criminal acts under the law. Their application requires proof of the relevant statutory elements, including the status of the mark and the conduct attributed to the accused. The presence of a similar brand name or logo alone does not automatically establish criminal liability. The analysis must consider the registration status of the mark, the relevant goods, the nature of the allegedly infringing conduct, and the other requirements of the applicable provision. The Consumer Protection Law provides a separate framework.

These provisions help explain why the legal consequences of counterfeit skincare distribution cannot be reduced to trademark enforcement alone. A consumer may experience financial loss from purchasing a counterfeit product even when no physical injury is demonstrated. Conversely, an allegation that skincare caused a health problem requires evidence of the injury and its relationship to the product. The use of tapioca flour as an ingredient does not, by itself, prove that the product is dangerous or unlawful. Its legal status must be assessed according to its composition, manufacturing process, required authorization or notification, labeling, and compliance with applicable cosmetics requirements. The importance of distinguishing these issues is consistent with the consumer-oriented focus of (Syafitri & Sativa, 2025) and (Wardani & Raharjho, 2026). However, the present study places greater emphasis on the relationship among different legal mechanisms. It asks not only whether consumers have legal protection, but also which legal route is appropriate for a particular violation, what legal consequences may follow, and how these routes contribute to the prevention of further harm. Accordingly, the analysis distinguishes three questions: whether a protected trademark has been infringed, whether the product or business conduct violates consumer-protection or product-safety requirements, and whether a particular consumer has established a legally compensable loss. This distinction forms the foundation for examining the application of the Double Track System and its relationship with the broader framework of consumer protection.

Criminal Accountability: Punishment and the Prevention of Further Harm

Criminal accountability concerns conduct that satisfies the elements of a criminal offence. In cases involving counterfeit branded skincare, the Trademark Law may apply where the unauthorized use or trade of goods bearing a counterfeit mark meets the requirements of the relevant criminal provisions. The Consumer Protection Law may also provide a criminal basis where the conduct constitutes an offence under that law. Where a cosmetic product fails to meet applicable health and safety requirements, Law No. 17 of 2023 on Health and its implementing regulations may also be relevant. However, the application of a particular health-related criminal provision must be established by examining the legal classification of the product and the elements of the offence concerned. Establishing criminal accountability requires more than evidence that a consumer purchased a product online and subsequently experienced an adverse reaction. Relevant evidence may include trademark registration records, product samples, packaging and labels, marketplace listings, transaction records, communications between sellers and buyers, and evidence concerning the origin and composition of the product. Where physical injury is alleged, medical evidence and a scientifically supportable assessment of causation may also be required.

These evidentiary considerations prevent criminal liability from being based solely on assumptions that every counterfeit product is dangerous or that every reported injury was necessarily caused by the product. Criminal punishment may serve retributive, deterrent, and general-preventive purposes. Nevertheless, imprisonment or a fine does not automatically remove all counterfeit products from circulation, compensate affected

consumers, or prevent the same seller from reopening a store under another account. Criminal enforcement may therefore need to be accompanied by legally authorized measures directed at preventing continued distribution and reducing the risk of repeated violations. This concern is relevant to the *Double Track System*, which distinguishes criminal punishment (*punishment*) from criminal-law measures (*measures* or *treatment*). The two tracks have different functions: punishment responds to the criminal offence, whereas measures may serve preventive, protective, rehabilitative, or other purposes authorized by the applicable law.

The concept should not be defined simply as the simultaneous imposition of criminal sanctions and civil compensation, because civil liability constitutes a separate legal mechanism. The significance of this distinction becomes clearer when the present study is compared with earlier research. (Nur Ubay et al., 2026) and (Nurwani et al., 2026) address consumer protection and business-actor liability in the context of counterfeit skincare on a marketplace. These concerns establish the need to identify who should be held accountable. The present analysis adds a further question: whether the legal response addresses only the offender's conduct or also provides legally authorized means of preventing continuing harm. For example, where a counterfeit skincare product is established to infringe a registered trademark, criminal accountability may be pursued if the statutory elements are fulfilled. If the product also violates applicable safety or distribution requirements, the relevant authorities may consider additional measures under the legislation governing those violations. Any restriction, withdrawal, or other preventive intervention must have an appropriate legal basis and be imposed by a competent authority in accordance with applicable procedures.

Such interventions should not be described as automatic consequences of every trademark infringement. The contribution of the *Double Track System* to this analysis is therefore conceptual rather than a claim that every counterfeit-skincare case automatically involves two criminal-law consequences. It provides a framework for considering whether punishment and legally authorized measures address different aspects of the offence. In consumer-protection terms, punishment may establish accountability, while appropriate preventive measures may help reduce the likelihood of further unlawful distribution. Their application must remain consistent with the applicable criminal legislation and the facts established in each case. Thus, the present study develops the discussion beyond the identification of criminal liability by examining the relationship between punishment, prevention, and consumer protection. This argument complements previous studies on counterfeit skincare while maintaining a clear distinction between criminal-law measures and the civil or administrative remedies discussed below.

Administrative Accountability and the Responsibility of Digital Platforms

Administrative enforcement is particularly relevant when counterfeit skincare products are distributed through online marketplaces. The circulation of cosmetics may be subject to requirements concerning product authorization or notification, manufacturing, labeling, promotion, and distribution. Law No. 17 of 2023 on Health, Government Regulation No. 28 of 2024, and applicable regulations of the Indonesian Food and Drug Authority (BPOM) provide relevant parts of the regulatory framework. BPOM Regulation No. 18 of 2024, for example, concerns cosmetic labeling, promotion, and advertising. The specific administrative consequences applicable to a product must be determined by reference to the relevant provision and the violation established.

Depending on the applicable regulation, administrative measures may include written warnings, restrictions on distribution, product withdrawal, or other measures expressly authorized by law. Such measures can be important where the immediate objective is to address regulatory non-compliance and prevent products that fail to meet applicable

requirements from continuing to circulate. Nevertheless, the availability of a particular measure must be verified under the regulation governing the specific violation. The existence of a counterfeit trademark does not, by itself, establish that every possible administrative sanction is available. Research by (Aji & Setiawan, 2026) as described in the present study's literature review, examines protection for registered trademarks against infringement in digital marketplaces.

This issue highlights the challenges of protecting trademark rights in online trade and the importance of supervision over infringing products. The present study builds on this concern by distinguishing trademark-related enforcement from administrative measures directed at product safety and regulatory compliance. Although these forms of enforcement may address the same product, their legal bases and objectives are not necessarily identical. Digital platforms introduce an additional regulatory dimension. Government Regulation No. 80 of 2019 on Trading Through Electronic Systems establishes obligations relevant to the conduct of electronic commerce, including the provision of correct, clear, and honest information by business actors. Article 13 is relevant to information about business actors and the condition and guarantees of goods or services, including their legality and quality. These requirements support the principle that digital commerce should not be used to conceal the identity, legal status, or material characteristics of goods offered for sale. However, the responsibility of a digital marketplace should not automatically be equated with that of a manufacturer or seller. The platform's legal position depends on its role, the applicable regulatory obligations, its conduct, and the facts of the case. The presence of a counterfeit listing does not, without further analysis, establish that the platform has committed the seller's trademark offence or is automatically liable for every resulting consumer loss.

The platform's responsibilities must be assessed under the rules governing electronic commerce, consumer information, intermediary activity, and any other applicable obligations. In practical terms, complaint-handling procedures, listing review, the restriction or removal of listings where legally justified, the preservation of relevant transaction information, and cooperation with competent authorities can contribute to consumer protection. Such procedures may be particularly important when sellers use multiple accounts or recreate listings, thereby increasing the possibility that additional consumers will encounter the same products. Nevertheless, the precise obligations and consequences for non-compliance must be grounded in the applicable legislation rather than inferred solely from the general objective of protecting consumers. The administrative dimension complements the findings and concerns of previous research on marketplace-related infringement and liability. Whereas studies focusing on trademark infringement identify the need to protect registered marks, the present analysis emphasizes that the legal response may also involve product regulation and consumer-protection obligations. It does not assume that every violation automatically establishes platform liability; instead, it distinguishes the responsibilities of sellers, manufacturers, platforms, and public authorities according to the applicable legal framework. Criminal enforcement, administrative action, and civil remedies can therefore operate in a coordinated manner. Competent authorities may address regulatory non-compliance within their powers, criminal proceedings may be initiated where the elements of an offence are established, and affected consumers may seek compensation through the appropriate mechanism. Coordination can reduce gaps in protection, but it must respect jurisdiction, evidentiary standards, procedural safeguards, and the legal basis for each action.

Integrating the Double Track System with Criminal, Civil, and Administrative Mechanisms

The preceding analysis demonstrates that the Double Track System should be used

precisely rather than as a general label for every legal consequence imposed on counterfeiters. Its core meaning concerns the relationship between criminal punishment and criminal-law measures. Civil compensation and administrative sanctions belong to separate legal mechanisms, even though they may contribute to the broader objective of consumer protection. This distinction also clarifies the contribution of the present study in relation to earlier research. (Aji & Setiawan, 2026) and (Nurwani et al., 2026) focus on consumer protection and business-actor liability in counterfeit-skincare transactions. (Syafitri & Sativa, 2025) address trademark protection in digital marketplaces. Taken together, these studies, as characterized in the literature reviewed for this research, identify distinct dimensions of the problem.

The present study brings these dimensions into a single analytical framework while maintaining the legal distinctions among criminal, civil, and administrative accountability. Criminal punishment responds to conduct that has been established as a criminal offence. Criminal-law measures may be imposed where authorized by the applicable legislation and are directed toward legally recognized preventive, protective, or corrective purposes. Civil accountability provides remedies for consumers who establish a right to compensation. Administrative enforcement addresses non-compliance with regulatory requirements and may support the prevention or cessation of unlawful product distribution. Platform-related obligations must be assessed separately according to the platform's legal role and the applicable rules. These mechanisms are complementary but not interchangeable. A criminal fine is not necessarily compensation for an individual consumer. A product withdrawal does not necessarily establish that the consumer has received a refund. A civil settlement does not automatically resolve every public-law violation.

Likewise, the removal of an online listing does not by itself establish that the seller or platform has fulfilled all applicable legal obligations. An integrated legal response to counterfeit branded skincare should therefore begin by identifying the relevant conduct and the legal interests affected. The competent authorities must determine whether criminal proceedings, administrative action, or both are legally justified. Consumers who have suffered compensable losses may pursue the available remedies, while business actors and platforms must comply with their respective statutory obligations. Where coordination is permitted by law, these mechanisms can address the underlying violation and its continuing consequences. The contribution of this study is not to claim that the Double Track System encompasses all three forms of accountability. Rather, it uses the concept to examine the relationship between punishment and criminal-law measures, while considering civil remedies and administrative enforcement as complementary parts of the wider consumer-protection framework. This approach provides a more legally precise account of how different mechanisms can contribute to consumer protection in digital commerce.

***Maqashid al-Shariah* (Shariah Purpose)**

The objectives of Islamic law (Maqashid al-Shariah) provide a more specific framework for identifying the interests involved. Two particularly relevant objectives are hifz al-nafs (protection of life) and hifz al-mal (protection of property). Hifz al-nafs is relevant where a product presents a demonstrated or reasonably substantiated risk to consumer health. Hifz al-mal concerns financial losses suffered by consumers and the protection of legitimate property interests, including the rights associated with trademark ownership. These objectives should be applied carefully to counterfeit skincare. Counterfeit status may indicate unauthorized use of a trademark, but it does not automatically prove that the product contains dangerous substances or has caused physical injury. Conversely, a product may raise safety concerns even if trademark infringement has not been established. Protecting life therefore requires attention to reliable product-safety evidence, while

protecting property requires attention to the trademark owner's rights and the consumer's proven financial loss.

Qur'an 2:188 prohibits the wrongful appropriation of other people's property, while Qur'an 4:29 prohibits unjust appropriation and emphasizes lawful trade conducted by mutual consent. These verses provide ethical and normative support for opposing fraudulent commercial practices and protecting legitimate property interests. The hadith reported in Sahih Muslim that condemns deception also supports honesty in commercial transactions. These sources help explain the Islamic ethical foundations of consumer protection, but they do not independently establish the elements of a criminal offence or determine the amount of compensation available under Indonesian law. The relevance of hifz al-mal can be seen where a consumer pays for a product represented as genuine but receives a counterfeit item. If the elements of the relevant legal claim are established, the consumer may seek a remedy for the resulting financial loss. The same objective is relevant to trademark owners whose legitimate rights are infringed. Meanwhile, hifz al-nafs becomes particularly significant where reliable evidence establishes that the product presents a safety risk or has caused injury. This analysis develops the Islamic-law dimension beyond a general statement that counterfeiting is prohibited. It identifies the interests protected by each legal mechanism and explains why the protection of property and health may require different forms of legal intervention. It also complements the consumer-protection focus of (Syafitri & Sativa, 2025) and (Nur Ubay et al., 2026) by providing a normative explanation for the importance of both consumer remedies and the protection of legitimate commercial rights.

***Maslahah* (Importance/Benefit)**

The application *of maslahah* in the perspective *of maslahah mursalah*, accountability for the perpetrators of skincare brand counterfeiting through *the Double Track System* aims to realize the benefits and protection of consumers as a whole. The principle of maslahah emphasizes the importance of taking beneficial steps and avoiding losses for society, both in terms of economy and health. Counterfeit products are not only financially harmful, but also have the potential to endanger the health of consumers, so strict legal action is needed to prevent such harm (Hibaturohman & Ayu, 2024). The Qur'an confirms this in QS. An-Nisa': 29. Meaning: *O you who have believed, do not eat your neighbor's property in a wrong way, except in the form of a business on the basis of mutual greed among you. Do not kill yourselves. Indeed, Allah is Most Merciful to you.* (Q. S An-Nisa': 29).

Verse QS. An-Nisa': 29 emphasizes the prohibition of taking other people's property in an unlawful way, including through fraud, counterfeiting, or economic practices that harm other parties, while emphasizing the importance of honesty and consent in every transaction. Accountability for counterfeiting skincare brands in this verse emphasizes that every action of manufacturers and business actors must be based on the principle of maslahah, which is to provide benefits and avoid losses for society. Counterfeit products are not only economically harmful, but also endanger consumer health, so the law must be enforced to protect consumer rights and prevent harm. Thus, this verse emphasizes that safeguarding the public interest, ensuring fairness in transactions, and avoiding harmful practices are part of the application of *maslahah mursalah* to realize the benefits of consumers as a whole (Hibaturohman & Ayu, 2024).

***Dar' al-Mafasid* (Preventing Damage)**

Principle *Dar' al-Mafasid* from the perspective of Maslahah Mursalah, emphasizes the importance of preventing harm before it occurs, so that it becomes the basis for the application of liability to perpetrators of trademark counterfeiting *Skincare* through *Double Track System*. Counterfeit products have the potential to harm consumers financially and

healthily, so strict legal measures are needed to reduce these risks and protect society (Maghrobi, et.al., 2024). The Qur'an affirms this principle in QS. Al-Maidah: 2. Meaning: *O you who have believed, do not transgress the sharia (holiness) of Allah, do not (violate the honour) of the haram months, do not (disturb) the hadyu (sacrificial animals) and qalā'id (the marked sacrificial animals), and do not (disturb) the visitors of Jerusalem while they are seeking the bounty and pleasure of their Lord! When you have done tahalul (completing ihram), hunt (if you will). Do not hate (you) to a people, for they hinder you from the Masjidl-Haram and encourage you to go beyond the limits (of them). Help yourselves in virtue and piety, and do not help each other in committing sin and enmity. Fear Allah, for Allah is very severe in His punishment.* (Q. S Al-Maidah 2).

Figure 2
Fake *Skincare* Arrest



Based on *mashālahah*, this case is most relevant to the *principle of Dar' al-Mafasid* (Preventing Damage). This is because the *principle of Dar' al-Mafasid* emphasizes the need for legal action to prevent harm or loss that can arise to society. Counterfeit products have the potential to pose serious health risks and financial losses, so supervision efforts, law enforcement, and the implementation of *the Double Track System* are preventive measures to protect consumers. By implementing *Dar' al-Mafasid*, this legal action not only punishes the perpetrators, but also prevents wider negative impacts, maintains consumer safety, and realizes the benefits of society as a whole. Thus, the application of a dual legal system against the perpetrators of counterfeiting *skincare* brands is not just a legal formality, but in line with *Dar' al-Mafasid*, because it prevents harm, protects consumer rights, and ensures the benefits of society as a whole.

Ijtihad to Adjust the Context

Ijtihad in the perspective *of Maslahah Mursalah*, to adjust the context is very important in determining accountability for the perpetrators of counterfeiting *skincare brands* through *the Double Track System*, because the case of brand counterfeiting is a contemporary phenomenon that is not explicitly regulated in the classical sharia text. Ijtihad allows scholars and authorities to interpret the principles of Islamic law adaptively, so that the law can be applied according to the development of the times and the needs of society, including in the field of modern economics. For example, a *fake skincare* manufacturer who sells dangerous products online can be subject to criminal sanctions for deterrent effects as well as civil damages to aggrieved consumers. Thus, ijtihad ensures that the law can be effective, adaptive, and relevant to protect consumers while preventing losses in the *modern era* (Kriswandaru, 2026).

Principles of Justice and Balance

The application of the principles of justice and balance in the perspective *of maslahah mursalah*, is an important foundation in accountability for the perpetrators of counterfeiting *skincare brands* through the *Double Track System*, because every legal action must be proportionate and not harm any party excessively. This is in line with the teachings of

Islam, where Allah SWT says. Meaning: Indeed, *Allah commands to be just, to do good, and to provide assistance to relatives. He (also) forbids heinous acts, iniquity, and hostility. He gives you a lesson so that you always remember.* (QS. An-Nahl: 90). This principle emphasizes that perpetrators who are proven to counterfeit products must be sanctioned according to the level of their mistake, while compensating the harmed consumers, so that a balance between law enforcement and public protection is achieved. For example, a counterfeiter who sells fake *skincare* products can be criminally punished for deterrent effects and is required to pay compensation to consumers who buy their products, but the punishment must not exceed sharia limits or cause unnecessary damage (Astuti, et.al., 2024).

Conclusion

This study demonstrates that consumer protection against counterfeit branded skincare products circulating on digital platforms requires a coordinated legal approach that addresses both the accountability of perpetrators and the restoration of consumer rights. The normative legal analysis identifies criminal law as a means of imposing punishment where the statutory elements of an offence are established, while civil law provides a basis for seeking compensation for consumer losses and administrative measures support regulatory compliance and the prevention of further circulation of unlawful products. These mechanisms have distinct legal foundations and functions and should not be conflated. Accordingly, the Double Track System, understood as the combination of criminal punishment and criminal-law measures, can contribute to a broader consumer-protection framework when coordinated with civil remedies and administrative enforcement. However, its practical effectiveness depends on consistent enforcement, adequate evidence, and the proper application of the relevant legal provisions.

The theoretical contribution of this study lies in clarifying the position of the Double Track System within a broader framework of consumer protection in digital commerce. Rather than treating criminal sanctions, civil compensation, and administrative action as interchangeable components of the system, this study distinguishes their respective functions and explains how they can complement one another. The analysis further connects this legal framework with Maslahah Mursalah and Maqashid al-Shariah, particularly the protection of life (hifz al-nafs) and property (hifz al-mal). These principles provide an ethical and normative basis for preventing harm, protecting consumers from financial losses and potential health risks, and promoting proportionate and fair enforcement. Nevertheless, the presence of tapioca flour in a skincare product does not, by itself, establish that the product is unsafe or unlawful; legal liability must be determined on the basis of relevant evidence and applicable legal requirements. In practical terms, the findings underscore the need for stronger coordination among law-enforcement authorities, consumer-protection agencies, the relevant product regulators, business actors, and digital platforms. Priority measures include accessible consumer-reporting channels, timely verification of suspected counterfeit products, appropriate removal or restriction of unlawful listings, product traceability where available, and effective mechanisms for pursuing compensation.

Digital platforms should implement measures consistent with their applicable legal obligations and actual roles, while enforcement authorities should ensure that sanctions and remedies are based on established facts and the relevant legal provisions. These measures can help strengthen oversight, reduce the continued circulation of counterfeit products, and improve consumer access to legal remedies. Overall, this study achieves its objective by explaining how criminal accountability, civil remedies, and administrative enforcement can be coordinated to strengthen consumer protection against counterfeit branded skincare products in digital marketplaces. It also demonstrates how Maslahah

Mursalah and Maqashid al-Shariah can inform a framework that balances deterrence, harm prevention, consumer recovery, and proportionality. The study therefore offers a normative legal framework for policymakers, enforcement authorities, and digital platforms. Further empirical research is needed to assess how effectively these mechanisms operate in practice, particularly in detecting counterfeit products, securing consumer compensation, and preventing repeated violations.

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