

Implementation of the DSN-MUI Fatwa on Product Testimonials from *Istihsan* Perspective

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ABSTRACT: *Today, product advertising remains a marketing strategy for both large and small businesses. In addition, testimonials or statements of satisfaction from consumers are supporting factors for new consumers to trigger purchases to be made by consumers. Fictitious testimonials are an easy step new business people use to get consumers quickly. This study aims to determine how the DSN-MUI fatwa is viewed as a legal basis and how istihsan views the problem. The research method used is library research. Primary data uses DSN-MUI fatwa, and secondary data comes from books, journal articles indexed Sinta 5 to Sinta 2, and other supporting secondary data. The results of this study show that fictitious testimonials for new sellers whose purpose is to increase customer commitment to their business and provide benefits to sellers, according to the concept of istihsan, are allowed.*

Saat ini, iklan produk tetap menjadi strategi pemasaran yang digunakan oleh bisnis besar maupun kecil. Selain itu, testimoni atau pernyataan kepuasan dari konsumen adalah faktor pendukung yang membantu konsumen baru untuk melakukan pembelian. Penggunaan testimoni palsu adalah langkah mudah yang sering digunakan oleh pengusaha baru untuk mendapatkan konsumen dengan cepat. Penelitian ini bertujuan untuk menilai bagaimana fatwa DSN-MUI dilihat sebagai dasar hukum dan bagaimana pandangan istihsan mengenai masalah ini. Metode penelitian yang digunakan adalah penelitian kepustakaan. Data utama menggunakan fatwa DSN-MUI, dan data sekunder berasal dari buku, artikel jurnal yang terindeks di Sinta 5 hingga Sinta 2, dan data sekunder lain yang mendukung. Hasil penelitian ini menunjukkan bahwa penggunaan testimoni palsu oleh penjual baru, yang tujuannya adalah meningkatkan keterikatan pelanggan terhadap bisnis mereka dan memberikan manfaat kepada penjual, dianggap diperbolehkan menurut konsep *istihsan*.

Keywords: *DSN-MUI fatwa, Product Testimonials, Istihsan Perspective.*

I. INTRODUCTION

Everyone who is involved in the business world must see the opportunities that exist in a market. For business people, marketing is a strategy that can influence the quality of the business within it (Fitriani et al., 2022);(Santoso et al., 2019). For this reason, business people need innovation, which is better and more efficient to attract and keep customers. So that the company or business can continue to live and develop in an increasingly tight and competitive market climate, good marketing can be done by analyzing the environment, making plans and implementing good marketing programs. One way is by creating advertisements.

Advertising is a combination of marketing used by all companies and all businesses. Advertising is also an essential and attractive marketing communication medium for companies because it provides advantages, namely: providing opportunities for companies to design their products attractively and provide convincing messages to consumers; providing facilities for companies to convey messages repeatedly so that consumers can remember them and quickly compare the presentation of the information supplied by other brand products (Suryani et al., 2020);(Rosário & Raimundo, 2021). This creates continuous competition in the business world, where business people strive to develop the best strategies to capture and maintain market share.

The presentation of information a company provides to consumers must be excellent and honest to create a sense of trust in a company. Likewise, with consumers, reviews of a product from consumers who have purchased it can convince new consumers. This review can be called a testimonial. The term 'testimonial' is used to refer to assessments given by consumers regarding products, services and services provided by online shop platforms. These testimonials can be found on web pages or social media (Syifa et al., 2019);(Spillinger & Parush, 2012). A business that already has a name and is known to many people will have a good reputation in front of the public.

However, this is different from a business or venture that is still new and has crawled from the bottom. This makes the owners or proprietors of a business rack their brains on attracting potential customers to purchase the product. One of the efforts made by business owners is to use testimonials from friends or people closest to them to provide reviews about the products they are offering. Apart from not getting big sales, this testimonial can be considered fictitious because the reviewer, a friend of his own, does not own the product. He only understands that the product is genuine and reasonable and will be produced, sold, and traded.

It's different if the business owner uses poor methods to sell his goods online, as in the article by (Erliani, 2020);(He et al., 2022), focusing on Facebook media. The author suspects stall owners in the marketplace create fake profiles and then provide positive product reviews, attracting customers' attention and winning their sympathy. This study shows that in Islamic law, buying and selling transactions involving fake images are considered invalid because there is no clarity regarding the object's nature, thus causing the buyer to feel disadvantaged. False testimonials are prohibited because they violate sharia provisions, are included in the category of najasy buying and selling transactions, and involve elements of fraud.

The results of previous research searches found several suitable articles. (He et al., 2022), in his research (Erliani, 2020), found that false testimonials are a terrible act and are the same as hoaxes because they are deceptive to mislead the public. The aim is to trick potential buyers into shopping on the buying and selling platform. From an Islamic perspective, an irresponsible seller considers transactions like this fraud when sharing information with buyers. The seller's reason is to convince buyers to buy the goods, and this fake testimonial is to persuade buyers as if their online shop is full of buyers and many reviews are satisfied with the buyers. So, this buying and selling is prohibited because it is not by sharia, and there is an element of fraud.

Research (Mashfufah, 2019) reviewing how Lambe Turah accounts on social media, namely Instagram, provide advertising promotion services given DSN-MUI Fatwa No.24 of 2017. Based on the results of the research, it was concluded that the Instagram account with the name "Lambe Turah" displays things that contain Lies, exaggerations, slander, bullying, insults, gossip and other similar tactics, as well as taking advantage of open endorsements for their benefit, both financial and non-financial, have legal status which is prohibited. Apart from that, Law Number 19 of 2016 prohibits insulting acts via social media or electronic transactions.

This writing aims to raise a problem in the surrounding community, namely the Implementation of the DSN-MUI Fatwa on *Istihsan* Perspective Product Advertising Testimonials. The DSN-MUI fatwa makes it easier for Muslims in Indonesia to determine legal steps regarding permitted and prohibited actions. Apart from that, this paper can also see the connection between the concept of *istihsan* as a method of legal *istinbath* in the DSN-MUI fatwa.

II. METHOD

The research strategy used is library research, where data is collected using written sources such as books, news, websites and articles related to product advertising testimonials. DSN-MUI fatwas are used as primary data because they are still associated with product advertising testimonials. Meanwhile, secondary data uses sources from indexed scientific journal publications, starting from Sinta 5 to the Sinta 2 journal. Data collection techniques in library research involve searching, selecting and documenting relevant literature. You can use keywords that suit your research topic when searching for literature. In library research, data analysis techniques involve synthesizing the literature you find. Researchers compile summaries from various sources, identify key findings, and comprehensively understand your research topic. Analysis can focus on comparison, contrast, and deep knowledge of different views in the literature.

III. RESULT AND DISCUSSION

Testimonials in product advertising represent testimony given by a buyer or consumer regarding a product or service to the seller. Neil Patel defines testimonials namely customer reviews that are strong evidence of customer satisfaction that can build trust for other potential customers and help influence purchasing decisions (Patel, 2014). Furthermore, testimonials as a valuable strategy for increasing the commitment of other

people (customers) to the business they own (Hong & Milgram, 2010). So, testimonials provide significant results such as building trust, influencing purchasing decisions and improving a business. Therefore, business people must collect and use testimonials effectively in their marketing and brand development strategy.

Testimonials are also considered persuasive advertising, aiming to share information and encourage people to think and act. Advertising is a communication process that has a vital role as a marketing tool to promote product sales, provide services, and communicate thoughts or ideas through specific channels using information in a persuasive form (Jaiz, 2021);(Henseler, 2012). Thus, testimonials from clients are recognition of their own experiences with the products or services offered. Or stated on a web page or social media and contains a message that is considered trustworthy because it is genuine based on consumer experience.

Testimony, according to the language refers to the Arabic language which refers to a confession made in court or as a type of *iqrar*, which is also known as testimony (*shahadah*). However, in terms of terms, testimonials refer to testimony of satisfaction regarding goods or services buyers provide to sellers. The purpose of testimonials is to share experiences in carrying out transactions with sellers or ventures in using goods that have been purchased. This testimonial is a form of *iqrar* and *shahadah* from the buyer regarding the seller's services. The basic concept of testimony involves two possibilities: *iqrar* and honest testimony, which is by *syara'* (religious rules) and *iqrar* and false (fictitious) testimony prohibited by *syara'*. In addition, there are additional elements called *iqrar* and order testimonials, as is typical in advertising today (Basori, 2022);(Aw & Labrecque, 2020).

It can be seen in the explanation regarding testimonials that every business or business must have lots of testimonials to attract consumers. Manufacturers or sellers can do everything they can to get testimonials from consumers. Many sellers still take the easy route of using fictitious testimonials. These fictitious testimonials are usually used by sellers who have just started selling their products in online shops so that potential buyers will be interested in buying. There are other alternatives, such as asking a friend to provide a fictitious testimonial, where the seller determines the contents of the testimonial that tests his product, after which the seller only needs to take a screenshot of the conversation and use it as a testimonial. However, the testimonial giver needs to gain direct knowledge of the seller's product quality directly.

DSN-MUI Fatwa Regarding Product Testimonials

The DSN-MUI Fatwa No.112 of 2017 stipulates the *ijarah* contract rules. As for this theoretical data, several general provisions will be taken from the definition of what is meant by an *ijarah* contract:

1. The rental agreement, known as the *ijarah* contract, is a rental agreement to exchange benefits and provide *ujrah* (rental fees), either in the form of goods or services, between *mu'jir* (lessor) and *musta'jir* (lessee) or between tenants. With *ajir* (owner of goods or services).
2. Furthermore, *manfa'ah* refers to the profits from using and implementing the stake on a rental item.

3. *Ijarah 'ala al-a'yan* is a rental agreement for an item that provides benefits.
4. *Ijarah 'ala al-ashkhash/ijarah 'ala al-a'mal* is a contract for someone's services or work.
5. *Ijarah* contracts for commodities (benefits of '*ain*) and services (*'amal*) where only characteristics and specifications (quantity and quality) are included at the time of contract are known as *Ijarah mausufah fi al-dzimmah* (IMFD).

Regarding the *shigat* of the *ijarah* contract, there are several provisions as follows: first, the *ijarah* contract must be presented in detail so that the *mu'jir/ajir* (lessee/lessor) and *musta'jir* (lessee) can understand it. Second, there are many ways to carry out an *ijarah* agreement, including verbally, in writing, through gestures, actions or deeds. Additionally, *ijarah* contracts can be concluded electronically if they comply with sharia law and all relevant legal regulations. In addition, the terms and conditions of the *ijarah* lease contract must be understood by the *mu'jir* and *musta'jir/ajir*, and the benefits must be by sharia. It is essential to reach a mutual agreement on the procedure for use and its time frame (Zafar, 2012);(Al Fasiri, 2021).

Ujrah, or wages, can also be paid as money or benefits from commodities, services, or other things if they comply with sharia law and applicable laws and regulations. When the contract is made, the quantity and quality of *ujrah* must be stated precisely with the specified amount. *Ujrah* payments can be made in advance, in instalments or deferred.

The general concept of the Fatwa of the National Sharia Council, together with the Indonesian Ulema Council, established MUI Fatwa Number 24 of 2017 concerning Laws and Guidelines for Congregating Through Social Media. According to the MUI Fatwa, social media-based digital technology that facilitates communication and obtaining information can benefit humans, such as strengthening social relations, supporting economic activities, better education and other activities. However, when someone uses social media, they are often not accompanied by an adequate level of responsibility. This can lead to incorrect information, such as hoaxes, slander, backbiting, and other prohibited things, which hurt social harmony (Scott & Jacka, 2011).

Several individuals use digital media content as a forum for hoaxes, slander and hate speech for personal purposes, such as gaining sympathy, seeking political and economic benefits, or causing provocation. Due to the conditions that occurred, the public began to question the legal aspects and guidelines related to the use of digital media. MUI Fatwa No.24 of 2017 contains complete general provisions. Here are some summaries of several general clauses in it, namely:

1. The muamalah process involves interactions between individuals and groups about fellow humans, which includes production, distribution, and consumption activities, as well as utilizing information and communication media.
2. Social media is an electronic platform used for sharing in various forms.
3. Social media contains information or content with value, meaning and positive messages, presented appropriately to technological developments.
4. Spreading unpleasant information about a person or group is called backbiting.

5. Buhtan or slander refers to spreading false or false information about someone to defame them.
6. Namimah is inciting conflict between individuals or groups by spreading rumours about the opposing party's evil deeds to discredit and incite hatred between the two.
7. The public realm is a place that is open to all users.

Fatwa of the Indonesian Ulema Council No. 24 of 2017 provides general guidelines when distributing content/information.

1. When in public, you must meet the following requirements:
 - a. Accurate information must be included in the content, including sources, dates and locations, context, and framework for the information conveyed.
 - b. Information or content must be helpful for the person who distributes it and for the person or group who receives it.
 - c. The content or information must be universal, meaning that the data is appropriate and relevant to people from various levels according to the diversity of the target audience.
 - d. Material or information must be provided well and in a good place. Because providing accurate information at an inappropriate time and location will have a different meaning.
 - e. Content or information must be relevant to the context, meaning that information about a particular condition must not be taken out of context, mainly if used in several contexts, which can give rise to various interpretations.
 - f. Information or content must comply with the law, which means the person distributing it has the authority to do so, does not violate other people's intellectual property rights, and does not violate their privacy rights.
2. It is prohibited to spread false information, backbiting, slander, namimah, defamation and hate speech.
3. It is prohibited to spread information to defend oneself from mistakes, justify wrong things, blame right things, create false opinions to appear successful and aim to hide the truth and deceive the public.
4. A person who spreads false information, such as rumours, defamation, blaming, hate speech, and similar offences, to the general public, either intentionally or unknowingly, must perform repentance by surrendering and asking Allah for forgiveness (istighfar). And: (i) admit the mistake and apologize to the affected party, (ii) regret the actions committed, and (iii) commit not to repeat the previous mistake.

Istihsan Perspective Product Testimonials

Product testimonials in a business or business are a marketing strategy. Testimonials, also called persuasive advertising, aim to gently persuade potential consumers to believe and act by buying the marketed product. Testimonials are also recognition from customers who have used a product and expressed their opinions on web pages or social media.

This opinion contains a reliable message because it comes from his own experience. Testimonials provide meaningful results for businesses or small businesses because they can build trust and influence purchasing decisions. Thanks to these testimonials, it is essential for companies or new businesses to use testimonials as part of their marketing and business development strategies (Habibullah, 2017).

It must be accepted that, when starting a business or business, a business person must be able to get customers to buy the products he sells. Many novice business people who sell their business via social media need an efficient strategy to be known to more people and attract potential consumers to buy it. One approach to marketing a product is through advertising. However, for someone who lacks the capital to use paid advertising, new business people/sellers can use fictitious testimonials with help from people closest to them, such as family or friends. Ask friends for help to provide positive testimonials about the product, and the seller has determined the testimonials to speak well of the product. Sellers can quickly get the results of review conversations from their friends to display on social media. Meanwhile, the seller's friend or fictitious testimonial giver needs to learn about the actual quality of the seller's product (Aw & Labrecque, 2020).

Al-ashlu fil al-muamalah al-ibahah is a fiqh rule which states that all forms of *muamalah* are permitted unless an argument forbids it. No statement specifically prohibits *muamalah*, so this rule allows all *muamalah* actions (Djazuli, 2019);(Al-Qaradhawi, 2013). Testimonials are *muamalah* activities carried out between sellers and buyers, where the law of these testimonials is permissible because the seller and buyer harm no one (Nyanyang, 2020).

The various forms of *muamalah* today make it easier for new business people to see the many options available. Testimonial services are growing on multiple platforms, providing promising social review services (Samawi, 2020);(Jamal & Raya, 2021). That way, when a potential consumer sees a seller's stall, the consumer will be confident and interested in buying. The *muamalah* contract that occurs is the *ijarah* contract or service rental contract. Suppose drawn from DSN-MUI Fatwa No.: 112/DSN-MUI/IX/2017, this *ijarah* contract is *Ijarah 'ala al-ashykhah/ijarah 'ala al-a'mal*, namely a rental agreement for a person's services/work. The party providing this testimonial service must receive *ujrah* or a fee as compensation for promotions and advertising in the form of testimonials.

Next, in a case study for a new seller or businessman who asks friends to provide testimonials about their products and the testimonials have been determined by the seller, then make them into a review display on the shop. This will become an *ijarah* contract if both people agree on the terms of wages given to the testimonial giver. However, the case was that the seller asked a friend for help as a testimonial provider without providing wages. This condition is included in the concept of *ta'awun*, or mutual assistance. This concept can be seen in the verse, Help each other in the virtue of purity, and do not help each other in acts of sin and hostility, says Allah in the QS. Al-Maidah verse 2. This concept illustrates that each person has different potential strengths to help each other and live in harmony.

This is the case of testimonials given by the testimonial giver as a friend of the seller, and the seller also needs these fictitious reviews or testimonials to provide an image for their new shop so that potential consumers will be confident and confident in making

purchase transactions with the seller. The Indonesian Ulema Council responded to the use of social media in fatwa No.24 of 2017. This fatwa clearly explains how to use social media wisely to avoid hoaxes, bullying, backbiting, *namimah*, slander, disgrace and other nasty things.

It responded to fictitious testimonials but with a good direction because the new business seller's stall can be promising. It can be seen in Islamic law, namely *istihsan*, that the practice of fictitious testimony falls into the category of *Istihsan bi al-maslahah*: namely, *Istihsan* based on benefits, namely establishing statutes in a way that is beneficial, taking into account benefits that are stronger and can be achieved based on *syar'i* arguments. The benefits of these fictitious testimonials are helpful for new sellers, becoming a valuable strategy for increasing customer commitment to the business they own. So, this benefit becomes greater and becomes a path to benefit (Nur'aini & Ngizzul, 2020);(Kadenun, 2018).

Testimonials regarding this product are permitted as long as the product being reviewed is halal and the person giving the testimonial has conveyed the information regarding the product being reviewed. There are several ways for both parties to carry out a *muamalah* agreement. *First*, before giving a testimonial on a product, the testimonial giver must ensure that it is halal; *secondly*, the party offering the testimonial understands the product that will be explained, for example, a public figure who gives a testimonial that the vitamin product is healthy, so knowledge of the product must be required. *Third*, testimonials about marketing agreements with sellers or product owners must clarify their rights and obligations.

It would be different if the cases were like those in the research (Erliani, 2020);(Choiru Bhariatta et al., 2020), where the contract was clear in law that the online seller was carrying outlying behaviour and abdicating responsibility in providing information to the buyer. The seller's reason is to convince buyers to buy the goods, and this fake testimonial is to persuade buyers as if their online shop is full of buyers and many reviews are satisfied with the buyers. So, this buying and selling is prohibited because it does not follow sharia, and there is an element of fraud. Conveying something that is not true, such as saying that this item is good, while the item does not match what is meant, is terrible. Like the hadith of Rasulullah Saw, which says, "Whoever deceives us, then he is not from our group." (HR. Muslim).

IV. CONCLUSION

Testimonials about the product are permitted as long as the product is halal, and the testimonials submitted are by the truth of the product. Product testimonials in business are a marketing strategy to convince potential consumers to buy the product. Testimonials are confessions from customers who provide opinions based on their personal experiences. Fictitious testimonials for new sellers whose aim is to increase customer commitment to the business they own and provide benefits to the seller, according to the *istihsan* concept, are permitted. The DSN-MUI Fatwa No.24 of 2017 suggests that using social media must be wise by avoiding harmful behaviour such as hoaxes, bullying, backbiting, slander, etc.

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