



Legal Review of Consumer Protection in E-Commerce Transactions in Indonesia

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ABSTRACT

The growth of e-commerce and online transactions has changed the trade landscape, but has also raised a number of legal challenges regarding consumer rights. Through a juridical approach, this research explores various aspects of legal protection provided to consumers in online transactions, including applicable regulations, obligations of business actors, and dispute resolution mechanisms. The aim of this study is to analyze juridically the legal protection of consumers in online transactions and steps to prevent illegal practice procedures. Method The research was conducted qualitatively with normative juridical and utilized journals and relevant books. The study results show that Indonesia has several foundations laws that protect consumer rights in online transactions, namely legislation consumer protection, trade legislation, Ministerial Regulations Trade Number 53 of 2018 concerning Procedures for Resolving Consumer Disputes Electronically and Government Regulation Number 99 of 2018 concerning Protection Consumers Through Electronic Commerce. Consumers who feel disadvantaged online transactions can take legal steps to protect their rights, including reporting the case to the Consumer Dispute Resolution Agency (BPSK) or the online platform used. It is recommended for consumers to understand, understand their rights when making online purchases, and read the terms and conditions online transaction terms before making a purchase.

Keyword: *Online Transactions, E-Commerce, Legal Protection, Consumers*

ABSTRAK

Pertumbuhan e-commerce dan transaksi online telah mengubah lanskap perdagangan, tetapi juga menimbulkan sejumlah tantangan hukum terkait hak-hak konsumen. Melalui pendekatan yuridis, penelitian ini mengeksplorasi berbagai aspek perlindungan hukum yang diberikan kepada konsumen dalam transaksi online, termasuk peraturan yang berlaku, kewajiban pelaku usaha, dan mekanisme penyelesaian sengketa. Tujuan dari penelitian ini adalah untuk menganalisis secara hukum perlindungan hukum konsumen dalam transaksi online dan langkah-langkah pencegahan prosedur praktik ilegal. Metode Penelitian dilakukan secara kualitatif dengan jurnal yuridis normatif dan memanfaatkan jurnal dan buku yang relevan. Hasil penelitian menunjukkan bahwa Indonesia memiliki beberapa undang-undang dasar yang melindungi hak-hak konsumen dalam transaksi online, yaitu peraturan perundang-undangan perlindungan konsumen, peraturan perundang-undangan perdagangan, Peraturan Menteri Perdagangan Nomor 53 Tahun 2018 tentang Tata Cara Penyelesaian Sengketa Konsumen Secara Elektronik dan Peraturan Pemerintah Nomor 99 Tahun 2018 tentang Perlindungan Konsumen Melalui Perdagangan Elektronik. Konsumen yang merasa kurang beruntung transaksi online dapat mengambil langkah hukum untuk melindungi hak-haknya, termasuk melaporkan kasus tersebut ke Badan Penyelesaian Sengketa Konsumen (BPSK) atau platform online yang digunakan. Disarankan bagi konsumen untuk memahami,



memahami hak-hak mereka saat melakukan pembelian online, dan membaca syarat dan ketentuan ketentuan transaksi online sebelum melakukan pembelian.

Kata Kunci: *Transaksi Online, E-Commerce, Perlindungan Hukum, Konsumen*

Introduction

The high number of online transactions carried out by consumers in Indonesia shows changes in consumer behavior in shopping. Nowadays, consumers are more likes doing quick and easy activities, one of which is shopping online. There are many e-commerce, financial services, credit payments and other needs can be done online. Apart from making it easy, online transactions are also fast and economical because it doesn't require travel costs or energy to queue when going make purchases of certain products or services.¹ However, Online transactions also has disadvantages, namely being vulnerable to fraud and product counterfeiting detrimental to consumers.²

Based on the ITE Law, electronic commerce through e-commerce is trading activities that are recognized by law and whose operational aspects have been regulated such as legal recognition of electronic transactions, electronic signatures, and aspects personal data protection.³ Indonesia also has a law Consumer Protection which aims to protect the rights of consumers who shop online such as consumer rights, product information that must be provided by sellers, and dispute resolution procedures.⁴ So, every business person Those who market products or services via e-commerce must comply with regulations valid, ensure transaction security, and comply with trading regulations applicable electronics.

Based on a study conducted by Wartiani⁵ reported that since From 2017 to 2020 there were 7,047 cases of online transaction fraud or 1,409 cases each year. Identity fraud, sale of counterfeit or inauthentic goods, and Fake online investments are several examples of cases of fraud in online transaction often occur. Apart from that, online transaction fraud where the seller asks for payment in advance but do not deliver goods or services after payment is received as well is a case that occurs and is experienced by several consumers, even in large numbers large purchase nominal (Benny et al., 2020). Therefore, it is necessary for consumers to know the

¹ Djaya, F. Juridical Review of Online Illegal Cosmetics Marketing in Indonesia. *Journal of Judicial Review*, 2(1), 98–111. (2020) <https://doi.org/10.37253/jjr.v22i1.822>

² Anggraeni, Y., Gumanti, M., Khumaidi, A., Nanda, A. P., Astuti, S., & Puastuti, DE-Business & E-Commerce Textbook. CV. Adanu Abimata, (2022), hlm 70

³ Rebekah, E., & Wangkar, T. Juridical Review of Legal Protection for Consumers Who Get Products Not in Accordance with the Agreement with Business Actors in E-Commerce Transactions. *Journal of the Faculty of Law, Sam Ratulangi University*, 12(2), 1–13, (2023).

⁴ Kristiyanti, C. T. S. Consumer Protection Law. Sinar Grafika. (2019), hlm 23

⁵ Wartiani, O. ; Sinaga, F., & Cut Nurita,). Legal Protection of Cosmetics Consumers in Online Buying and Selling. *Journal of Rectum*, 4(1), 229–242. (2022) <https://www.blibli.com/p/med>

protection of laws and laws that protect their rights in online transactions so that consumers can determine what rights they receive. Most consumers are not fully aware of the legal steps which can be taken if they experience fraud in online transactions.⁶

Meanwhile, in a study conducted by Saragih⁷ stated that Understanding legal rights and actions is very important for consumers to know protect yourself and get justice. Different types of fraud, number of transactions, and differences in e-commerce used can cause differences in treatment case handling. In Indonesia, consumer rights and protection are regulated by several different laws. Some of these laws include provisions which protect consumer rights and establishes producer responsibilities as well traders such as Law Number 8 of 1999 concerning consumer protection, Through Electronic Commerce.⁸

Every law has articles that regulate rights and protection for consumers as an effort to reduce cases of fraud in online transactions. Apart from online fraud through e-commerce, there is also fraud in financial transactions There are many cases, one of which is fraudulent investment and online loans.⁹ It's easy to manipulate data to make consumers believe it causing fake investment fraud and online loans to become one of the cases fraud in online transactions that often occurs. Usually, consumers can lose large amounts of money and knowing exactly what steps can be taken to handle the cases experienced.¹⁰ Fraud via financial applications and ATM skimming is also a type of online transaction fraud that has recently become widespread swallowing victims. Skimming is the act of stealing information from a credit card or debit using a recording device illegally installed on ATM machine or payment terminal. Stolen information then used to commit financial fraud. Therefore, in this study an analysis of the juridical review of consumer protection in online transactions will be carried out in Indonesia.

Methodology

The method used in this study is qualitative research, namely research is descriptive and focuses more on a deep understanding of context, processes,

⁶ Ranto, R.). Juridical Review of Legal Protection for Consumers in Buying and Selling Transactions through Electronic Media. *Journal of Law: ALETHEA*, 2(2), 145–164, (2019) <https://doi.org/10.24246/alethea.vol2.no2.p145-164>

⁷ Saragih, A. E., Bagaskara, M. F., & Mulyadi. Legal Protection for Consumers in E-Commerce Transactions. *Journal of Law Studies and Civic Education*, 2(2), 1–11, (2023).

⁸ Agustina, R., Mangundihardjo, S., Cahyono, A. B., Hartati, E., & Salam, A. Civil Law. Open University. (2022), hlm 65

⁹ Pratama Sinaga, E., & Alhakim, A.. Juridical Review of Legal Protection for Users of Illegal Online Loan Services in Indonesia. *UNES Law Review*, 4(3), 283–296. (2022) <https://doi.org/10.31933/unesrev.v4i3.235>

¹⁰ Deliarnoor, H. N. A. Introduction to Law. Open University. (2020), hlm 70

and experiences involving participants.¹¹ Normative juridical studies also applied in the problem solving process. Normative juridical studies are a legal research approach that is more focused on the analysis of legal regulations and applicable norms such as applicable laws.¹² The aim of normative juridical studies is to analyze and evaluate legal systems norms, and rules that exist to produce in-depth understanding about certain legal concepts so that they are considered appropriate to use. Technique Data collection was carried out using literature studies, namely utilizing data sources secondary for data and analysis materials.

Result and Discussion

1.1 Concept of Consumer Protection for Online Transactions

The number of cases of consumer rights violations in online transactions has led to It is important for consumers to know the concept of consumer protection in online transactions. The legal concept of consumer protection in online transactions includes a set of principles and provisions established to protect consumer rights who carry out transactions via the internet or electronic trading platforms¹³.

In Indonesia, this concept is regulated by several laws and regulations government, and consumer protection policies. Based on literature studies Conducted below are several legal concepts that are relevant in consumer protection in transactions on line:

1. Electronic Information and Transactions Law (UU ITE)

The ITE Law recognizes electronic transactions and provides a legal basis for electronic commerce activities. The ITE Law contains regulations regarding electronic signatures, the validity of electronic transactions, and consumer protection in the context of transactions on line.

2. Consumer Protection Law

There are various versions of consumer protection laws in Indonesia, including Law Number 8 of 1999 and Law Number 19 of 2016, which aims to provide consumer rights and obligations in the context of trade electronic. This includes the right to clear information, the right to obtain goods/services in accordance with the requirements, and the right to obtain compensation if this occurs loss.

¹¹ Anggito, A., & Setiawan, J. Qualitative Research Methods. CV Trail, . (2018), hlm 47

¹² Hartiwiningsih, Karjoko, L., & Soehartono. Legal Research Methods. Open University. (2019). hlm 105

¹³ Barkatullah, A. H. Consumer Rights. CV. Hikam Media Utama, (2019), hlm 65

3. Government Regulation Number 80 of 2019 concerning Trading Through Systems Electronic Government Regulations regarding Trading Through Electronic Systems regulate carrying out trade through electronic systems, including responsibilities organizers, dispute resolution procedures, and consumer protection aspects in online transactions.

4. Personal Data Protection

Although there is no specific law on personal data protection in Indonesia, but rights related to privacy and personal data protection are increasingly being recognized as part of consumer rights. Several regulations related to personal data protection, such as Minister of Communication and Information Technology Regulation Number 20 of 2016, can impact on consumer protection in online transactions.

Most of the laws above explain the obligations of service providers (organizer), dispute resolution mechanisms in online transactions, existence of rights consumer to cancel the order, the organizer's obligation to provide honest information, and the organizer's obligation to provide clear confirmation regarding this the process of sending products or services in online transactions.

Benny¹⁴ stated in Government Regulation Number 80 of 2019 it is stated that the organizer Electronic trading services have the task of providing clear and clear information accurate, protect consumer personal data, and ensure the security and reliability of services they. Meanwhile, Ranto in the Consumer Protection Law, namely Law Number 8 of 1999 regulates provisions regarding settlement mechanisms consumer disputes, including online dispute resolution through arbitration bodies or recognized mediation. Meanwhile, in Law Number 19 of 2016 it is stated that consumers have the right to withdraw or cancel orders in certain period of time in accordance with legal provisions, especially if there are internal problems online transactions. Apart from that, the regulations also regulate e-commerce service providers are required to provide transaction confirmation to consumers, which includes transaction details, prices, and other relevant information.

1.2 Legal Basis for Resolving Disputes in Online Transactions

¹⁴ Benny, B., Wilhelmina, F. L., Ruandi, V. T., & Batubara, S. A. Juridical Review of Online Transactions by Minors Based on Positive Law Indonesia. *Scientific Journal of Law Enforcement*, 7(1), 36–43. (2020). <https://doi.org/10.31289/jiph.v7i1.3668>

Kristiyanti¹⁵ explains that the legal basis for completing transactions online is implemented in Law No. 8 of 1999 concerning Consumer Protection and Regulations Government Number 80 of 2019 concerning Trading Through Electronic Systems. Explained in article 50 of Law Number 8 of 1999 concerning dispute resolution consumers through deliberation or mediation efforts. If effort If this does not produce results, the dispute can be submitted to the Dispute Resolution Body Local consumers (BPSK). Meanwhile, in Article 35 and Article 36 of the Government Regulation Number 80 of 2019 regulates dispute resolution in trade through electronic system.¹⁶ E-commerce organizers are required to provide an online consumer dispute resolution mechanism, either through an agency arbitration, mediation, or other consumer dispute resolution institutions. Below are several examples of consumer dispute resolution cases online transactions:

1. Online Arbitration Cases

A consumer purchases a product through an e-commerce platform and submit a dispute regarding product quality. The e-commerce platform provides dispute resolution services through online arbitration mechanisms. In arbitration, the consumer and seller present their arguments, and the arbitration decision given as a final settlement that is binding on both parties.

2. Online Mediation Cases

A consumer and a financial services provider are involved in a dispute regarding a transaction online loans. Both parties agree to take part in the online mediation process provided by consumer dispute resolution institutions. Mediators help both parties reach an agreement that is acceptable to both without having to involves a judicial process.

3. Case of Local Consumer Dispute Resolution Bodies

A consumer who is dissatisfied with the service he received in a transaction online can submit a dispute to the Consumer Dispute Resolution Agency (BPSK) local. BPSK will provide opportunities for both parties to reach an agreement through deliberation or mediation. If there is no agreement achieved, BPSK will provide a final decision.

In general, dispute resolution in online transactions varies depending on the policy of the platform organizer and the type of dispute that occurs. In regulations which applies in Indonesia, every e-commerce operator is required

¹⁵ Kristianti, M. F., & Sikumbang, S. Legal Science. Open University, (2021), hlm 111

¹⁶ Nurmalita, V., & Pura, M. H. Juridical Analysis of Legal Protection for Consumers in Digital Transactions (E-Commerce) Case Study of Veilbyramana JUSTITIA: Journal of Law and ..., 9(5), 1975–2531. (2022). <http://jurnal.umtapsel.ac.id/index.php/Justitia/article/view/6652>

to provide an effective and fair dispute resolution mechanism in accordance with applicable regulations applies. Therefore, consumers are advised to read and understand the terms and conditions provisions and dispute resolution mechanisms provided by the platform they use.

1.3 Sanctions for Business Actors Who Do Not Comply with Agreements in Transactions Online

Sanctions for business actors who do not comply with the agreement in the transaction online is regulated based on legislation No. 8 of 1999 concerning Consumer protection based on electronic systems is as follows.¹⁷

1. Administrative Sanctions

Business actors who violate consumer protection regulations, including provisions in online transactions, administrative sanctions may be imposed. These sanctions can take the form of: warning, administrative fine, or revocation of business license if violations continue continues.

2. Fines and Compensation

Business actors who do not fulfill their obligations or cause losses to Consumers may be subject to fines and are required to pay compensation. The amount of the fine and Compensation can be determined based on the amount of loss experienced by consumers.

3. Site or Platform Closure

If business actors violate trading regulations via electronic systems, e-Commerce organizers can impose sanctions in the form of site closure or the platform temporarily or permanently. One of the recent cases closure of online shopping platforms in Indonesia is a closure TikTok Shop because it is considered not to meet the requirements as a safe platform used in buying and selling transactions and violates its function as social media.

¹⁷ Marique, E., & Marique, Y. Sanctions on digital platforms: beyond the public-private divide. *Cambridge International Law Journal*, (2019). 8(2), 258-281.



Figure 1. Closing of TikTok Shop in Indonesia
(Source: <https://www.cnbcindonesia.com/>, 2023)

4. Confiscation of Goods or Business Results

In some cases, goods or business results related to the violation may be confiscated by the competent authorities. For example, if a business actor sells fake products or do not match the description, the items may be confiscated.

5. Criminal

Serious or structured violations may result in criminal action. Law The Consumer Protection Law gives law enforcers the authority to take action against business actors involved in fraudulent practices or acts against other laws.

6. Additional Sanctions According to Other Regulations

In addition to sanctions regulated in the consumer protection law, business actors may also be subject to sanctions in accordance with other laws and regulations, depending on the type of violation committed. Several news platforms in Indonesia have reported various types of violations online transactions carried out by sellers, including selling fake goods, Information that does not match the product, and fraud that harms consumers.



Figure 2. Cases of Violations in Online Transactions
(Source: Kompas.com, 2023)

The above case can be resolved based on the Protection Law consumers with lawful steps. What is the punishment given? in the form of administrative fines from consumer supervisory authorities or e-commerce operators give administrative fines to sellers as direct sanctions, revocation of business permits, and temporary or permanent closure of existing online stores proven to be marketing fake and dangerous products for consumers. In this case, Consumers can complain to the e-commerce organizer or to other parties authorized to be given sanctions in accordance with applicable regulations.

Steps to Prevent Illegal Practice Procedures

Billing practices that do not comply with procedures can have a negative impact on borrowers and harm consumers. Therefore, it is important to take steps necessary to protect your rights and report situations like this to the competent authorities so that corrective action can be taken against the company which are involved. The following are steps to prevent loan practice procedures illegal online services that consumers can apply:¹⁸

¹⁸ Thompson, S. T., & Magrath, W. B. Preventing illegal logging. *Forest Policy and Economics*, (2021). 128, 102479.

1. Record evidence

It is important to record evidence of all interactions with online loan companies, including text messages, emails, or conversation notes. It can be used as evidence if you need to file a complaint or report an unethical practice.

2. Ask for details

Ask the online loan company to provide written details about amount owed, due date, and fee details. Be sure to check whether there are any discrepancies with the original agreement.

3. Contact the company

Try to communicate with the online loan company in writing or through their official communication channels.

4. Report to OJK

If online loan companies continue with questionable practices, you can report it to the Indonesian Financial Services Authority (OJK). OJK is responsible for supervising financial companies, including online loan companies, and can investigate and take action if necessary.

5. Ask for Legal Help

If a consumer rights violation occurs, consider contacting someone attorneys or consumer organizations who may be able to help with collection cases which does not comply with procedures.

6. Report to the Consumer Agency

Billing problems that do not comply with procedures can also be reported to the institution consumer protection or consumer associations in Indonesia, such as the Agency National Consumer Protection (BPKN) or Indonesian Consumers Foundation (YLKI).¹⁹

The legal review of consumer protection in e-commerce transactions in Indonesia reveals critical aspects concerning consumer rights and the responsibilities of business actors amidst rapid digital transformation. E-commerce is increasingly prevalent in the Indonesian market, projected to reach a value of approximately USD 150 billion by 2025 Mahmuddin & Sirait (2022). This surge necessitates an examination of existing mechanisms to ensure consumer protection, as the digital marketplace poses unique challenges, including issues related to data privacy, security, and fair trade practices.

¹⁹ Gusetoiu, A. preventing and combating illegal migration. *Research and Science Today*, (2016). (1), 67-74.

One fundamental aspect of consumer protection in this context is the recognition of consumer rights as outlined in Law Number 8 of 1999 concerning Consumer Protection (UUPK). This legislation emphasizes the importance of providing legal certainty and safeguarding consumers against unfair practices by business actors. However, there remains a gap in the implementation and enforcement of these protections, particularly in the realm of e-commerce. For instance, while existing laws offer frameworks for dispute resolution and consumer education, these provisions are often inadequately enforced in practice, leading to unresolved consumer grievances. The lack of sufficient legal redress mechanisms for online transactions further complicates the landscape for consumer rights in this sector.

Moreover, consumers are often vulnerable to issues such as fraud, data breaches, and unfair contract terms, especially given the prevalent use of standard clauses in e-commerce contracts that favor business interests over consumer rights. As highlighted by Ang, the overwhelming majority of consumers do not thoroughly read the terms and conditions of e-commerce contracts, which can lead to unbalanced obligations and risks. Therefore, enhancing legal literacy and awareness among consumers is imperative to empower them to exercise their rights effectively and navigate the complexities of e-commerce transactions.

Additionally, the obligation of business actors to ensure the safety and legality of their offerings is paramount. Various authors assert that a proactive approach to managing consumer protection risks can foster trust and facilitate a healthier e-commerce environment (Morić et al., 2024; Cristina, 2023). This emphasizes the need for ongoing regulatory reform and oversight to adapt to the evolving nature of digital transactions and to protect consumer interests adequately. Implementing measures that promote transparency, such as clearer disclosures in privacy policies and terms of service, is critical in mitigating risks and enhancing consumer trust.

Finally, the urgency of reforming consumer protection laws in Indonesia's e-commerce landscape is accentuated by the rapid adoption of technology and shifting consumer expectations. As highlighted in multiple studies, the evolving nature of digital transactions warrants significant legislative updates and the establishment of more effective enforcement mechanisms to address the unique challenges posed by e-commerce. Therefore, a comprehensive review and potential restructuring of consumer protection laws are essential to ensure they remain relevant and effective in safeguarding consumer rights in an increasingly digital marketplace.

In conclusion, the exploration of consumer protection in e-commerce transactions in Indonesia reveals substantial gaps and urgent needs within the legal framework governing these interactions. As consumer reliance on e-commerce continues to grow, so too must the legal protections that ensure their rights are upheld against potential abuses from business actors.

Conclusions

The conclusion obtained from the study carried out is that Indonesia has several legal bases that protect consumer rights in transactions online, namely legislation No. 8 of 1999 concerning protection of consumers then legislation No. 7 in 2014 concerning trade. Minister of Trade Regulation Number 53 of 2018 concerning Settlement Procedures Electronic Consumer Disputes and Government Regulation Number 99 of 2018 on Consumer Protection Through Electronic Commerce. Consumers who feel harmed in online transactions can take legal steps to protect their rights, including reporting the case to the Settlement Body Consumer Disputes (BPSK) or online platform used. Recommended for consumers to understand their rights when making online purchases and Read the terms and conditions of online transactions before making a purchase.

Suggestion

The Indonesian Sisi Journal has an important role in presenting scientific studies on various social, legal, political, and cultural aspects in Indonesia. To improve the quality and competitiveness of this journal, some suggestions are as follows:

1. Journals can apply stricter authorship standards by adopting internationally recognized citation styles, such as APA or Chicago Style. This will help increase the credibility and accuracy of references in every published article.
2. There is a need to further diversify the research topics published in journals, covering emerging fields such as digital law, green economy, or data-based public policy. Additionally, a multidisciplinary approach can provide readers with broader and deeper insights.
3. To maintain the quality of published articles, the peer review system can be tightened by involving more academics and practitioners who have expertise in their fields. A more transparent and rigorous review process will improve the quality of published research.
4. Journals need to continue to increase their efforts so that they can be indexed in international scientific databases such as Scopus, DOAJ, or Sinta. In addition, ensuring that journals are openly accessible will expand readership and increase the academic impact of the journal.

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Biography



Dudi Badruzaman lahir di Ciamis 21 Agustus 1989. Anak ke dua dari tiga bersaudara ini menempuh pendidikan di kota Ciamis sejak SD, MTS dan MA. Kemudian melanjutkan kuliah di UIN Sunan Gunung Djati Bandung dan tepat pada umur 26 tahun lulus dengan gelar Magister Hukum. Saat ini saya sedang mengabdikan sebagai Dosen, selain disibukan sebagai pengajar juga sebagai peneliti.

Menjadi penulis adalah impian saya sejak kecil, Bagi saya pendidikan memang sangat penting dan mewujudkan cita-cita adalah sebuah kewajiban yang harus dilakukan. Itulah perjalanan singkat kehidupan saya, semoga hal ini dapat menginspirasi banyak orang.