

Regulatory Barriers to Consumer Protection in Digital Marketplaces



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ABSTRACT

The rapid expansion of digital technology has transformed commercial activities from conventional face-to-face interactions into online marketplaces, creating new patterns of consumer vulnerability. Although Indonesia has implemented various regulations through the Consumer Protection Law, the Electronic Information and Transactions Law, and government regulations, existing norms remain unable to address legal risks that arise within digital transactions. This study examines three core issues: first, legal problems and challenges in the implementation of consumer protection for online transactions in Indonesia; second, regulatory differences between Indonesia and Malaysia in governing online buying and selling activities; and third, an ideal policy model for strengthening consumer protection in the digital economy. This research adopts a normative juridical method supported by statutory, conceptual, and comparative approaches. Legal materials are analyzed qualitatively to assess normative gaps and identify reform needs. The study finds three principal results. First, Indonesian regulations remain fragmented, outdated, and unable to accommodate digital-era risks such as information asymmetry, data misuse, and platform liability. Second, Malaysia provides a more comprehensive regulatory framework, particularly regarding transaction validity, business liability, dispute resolution, and sanctions. Third, effective consumer protection requires an integrated reform model that strengthens legal substance, institutional structure, and legal culture to build a more secure, transparent, and equitable digital transaction ecosystem.



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1. Introduction

The advancement of information technology has generated substantial changes in societal transaction patterns.¹ Commercial activities that were previously conducted through direct, face to face interactions have undergone a transition toward internet-based or online transaction models.² This shift in transactional patterns represents a logical consequence of advancements in digital technology,

¹ Chunmei Yang, 'Analysis on Protection of E-Commerce Consumer Network Privacy', *Procedia Engineering*, 15 (2011), 5519–24 <https://doi.org/10.1016/j.proeng.2011.08.1024>

² Emma V T Senewe and Donna O Setiabudhi, 'Perlindungan Konsumen Jual Beli Online Dalam Era Digital 4.0', *Lex Et Societatis*, 8.3 (2020) <https://doi.org/10.35796/LES.V8I3.29507>

which have introduced new methods for conducting commercial activities.³ The rapid growth of online transaction practices corresponds with the increasing number of internet users in Indonesia. The emergence of e-commerce has not only transformed the mechanisms of interaction between producers and consumers but has also reconstructed traditional business paradigms into more dynamic forms of virtual interaction.⁴ In the Indonesian context, online buying and selling activities have become an integral part of daily life. Consumers are now able to conduct transactions conveniently through digital devices without the need to visit physical stores or shopping centers.⁵

Data from the Ministry of Communication and Informatics indicates that the growth of electronic commerce in Indonesia has reached 78 percent.⁶ This figure represents the highest rate globally. Indonesia even ranks first in terms of e-commerce growth worldwide, surpassing other countries such as Mexico.⁷ This growth indicates that online transactions are increasingly favored and have become one of the fastest-developing sectors within the digital economy. Despite offering various conveniences, the implementation of online transactions also introduces new challenges, particularly with respect to consumer protection.⁸

The significant number of public reports regarding fraud in online transactions demonstrates that consumers remain in a highly vulnerable position.⁹ Various risks continue to arise in the implementation of online buying and selling activities.¹⁰ One of the recurring issues involves consumers receiving goods that turn out to be outdated or unsold products, whose quality or condition has

³ Mohsin Ali Farhad, 'Consumer Data Protection Laws and Their Impact on Business Models in the Tech Industry', *Telecommunications Policy*, 48.9 (2024), 102836 <https://doi.org/https://doi.org/10.1016/j.telpol.2024.102836>

⁴ Marina Yetrin Sriyati Mewu and Kadek Julia Mahadewi, 'Perlindungan Konsumen Dalam Pembelian Produk Online: Analisis Perspektif Hukum Perlindungan Konsumen Di Indonesia', *Jurnal Kewarganegaraan*, 7.1 (2023), 441–50. <https://doi.org/10.31316/jk.v7i1.4814>

⁵ Zongda Wu and others, 'An Effective Approach for the Protection of User Commodity Viewing Privacy in E-Commerce Website', *Knowledge-Based Systems*, 220 (2021), 106952 <https://doi.org/https://doi.org/10.1016/j.knosys.2021.106952>

⁶ 'Peran Penting Logistik Dalam Pertumbuhan E-Commerce Di Indonesia'.

⁷ 'Makin Maju, Pertumbuhan E-Commerce Indonesia Yang Diprediksi Tertinggi Di Dunia - GoodStats Data'.

⁸ Sinta Wulansari and Anak Agung Angga Primantari, 'Tinjauan Yuridis Perlindungan Hukum Kepada Konsumen Dalam Transaksi Elektronik Berdasarkan Hukum Perlindungan Konsumen', *Jurnal Media Akademik (JMA)*, 3.10 (2025), 3031–5220 <https://doi.org/10.62281/20J4D932>

⁹ Marina Yetrin and others, 'Perlindungan Konsumen Dalam Pembelian Produk Online: Analisis Perspektif Hukum Perlindungan Konsumen Di Indonesia', *Jurnal Kewarganegaraan*, 7.1 (2023), 441–50 <https://doi.org/10.31316/JK.V7I1.4814>

¹⁰ Eka Rahayu Puspita Ningrum and Iza Hanifuddin, 'Keabsahan Akad Jual Beli Terhadap Kebutuhan Pokok Masyarakat Era 5.0 Di Tiktok Shop', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5.2 (2023), 1755–66 <https://doi.org/10.37680/ALMANHAJ.V5I2.3044>

deteriorated and is no longer suitable for use.¹¹ Another recurring problem in online transactions involves damage to goods during the delivery process, as well as discrepancies between the items advertised and those actually received, whether in terms of color, size, weight, or type.¹² In addition, the risk of fraud remains relatively high, such as situations in which the promised or purchased goods are never shipped or fail to reach the consumer, along with persistent concerns regarding the security of consumers' personal data.¹³ In practice, these conditions give rise to new legal challenges and indicate the necessity of ensuring legal protection for consumers in the event of disputes or problems arising within electronic transactions.¹⁴

Data from the Indonesian Consumer Foundation (hereinafter referred to as YLKI) recorded 124 consumer complaints related to issues in e-commerce or online buying and selling transactions. These e-commerce-related complaints accounted for 13.1% of the total 943 complaints received by YLKI throughout 2023. The most frequently reported issue concerned refund problems in e-commerce, which constituted 23.4% of these complaints. Other cases included fraud or security breaches (14.8%), undelivered goods (5.5%), delivery issues (4.7%), goods that failed to arrive (3.9%), unclear information (3.1%), application errors (1.6%), and missing items (0.8%).¹⁵

One example of problems arising in online buying and selling transactions can be observed from several consumer complaints regarding food products sold by "Toko Mama Khas Banjar." Consumers reported that the food items they purchased were found to be unfit for consumption upon arrival at home, as the products emitted an unpleasant odor and had a soggy texture. Further inspection revealed that the packaging did not include an expiration date, and several products lacked halal certification.¹⁶ In addition, issues in online buying and selling transactions are also evident in the circulation of unregulated or counterfeit skincare products, which are considered to violate consumer rights, particularly due to excessive or misleading product claims.¹⁷ Another issue in online buying and selling arises in

¹¹ Nur Windy, Bripta Landrawati and Ina Rosmaya, 'Perlindungan Konsumen Terhadap Transaksi Jual Beli Secara Online Atas Ketidaksesuaian Barang Yang Diterima', *Jurnal Hukum Dan Keadilan*, 11.2 (2022), 76–90. <https://ejournal.fh.ubhara.ac.id/index.php/judiciary/article/view/134>

¹² Andi Wahyuddin Nur and others, 'Online Buying and Selling Transactions According to the Consumer Protection Act', *Legal Journal of Law*, 3.2 (2024), 14–20. <https://jurnal.lamaddukelleng.ac.id/index.php/legal/article/view/35>

¹³ Farhad.

¹⁴ Ardhan Ardiyanto and Arikha Saputra, 'Analisis Undang-Undang No.8 Tahun 1999 Tentang Perlindungan Konsumen Dalam Transaksi Jual Beli Online Melalui Shopee', *Jurnal Meta-Yuridis*, 5.2 (2022), 93–104 <https://doi.org/10.26877/m-y.v5i2.12796>

¹⁵ 'YLKI Ungkap Pengaduan Konsumen Terbanyak Di Sektor E-Commerce'.

¹⁶ 'Polisi Jerat Toko Mama Khas Banjar Pakai UU Perlindungan Konsumen'.

¹⁷ 'Heboh Kasus Minyak Kita Hingga Skincare Abal-Abal Rugikan Konsumen, Peran BPKN Dinilai Perlu Diperkuat'.

transactions involving electronic goods offered at unusually low prices, which often result in the items not being delivered to the consumer.¹⁸

Electronic transactions not only provide benefits to consumers by offering time efficiency and easier access, but also assist business actors in marketing their products with lower operational costs.¹⁹ Nevertheless, this transformation in commercial models has generated new forms of legal relationships that require regulatory certainty.²⁰ Therefore, as a state founded on the rule of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and as a consequence of its commitment to uphold the ideals of a legal state, Indonesia bears the duty and responsibility to ensure legal protection and the safeguarding of human rights. This obligation is implemented through regulatory frameworks governing electronic transactions, particularly Law Number 19 of 2016, which amends Law Number 11 of 2008 concerning Electronic Information and Transactions, as well as Law Number 8 of 1999 concerning Consumer Protection.²¹

Consumer protection constitutes a series of measures aimed at ensuring legal certainty and providing comprehensive safeguards for consumers.²² This protection is not limited to the process of obtaining goods and/or services, but also encompasses all consequences arising from the use of such goods or services. In general, the scope of consumer protection can be categorized into two principal aspects: protection against the possibility that the goods delivered to consumers do not correspond with what was agreed upon, and protection against the imposition of unfair conditions on consumers. As mandated by the Consumer Protection Law, consumer protection constitutes "all efforts undertaken to ensure legal certainty and to provide protection for consumers."²³

¹⁸ 'Kasus Penipuan Beli Barang Online, Korban Rugi Jutaan Sementara Pelaku Masih Berkeliaran Halaman 1 - Kompasiana.Com'.

¹⁹ Laura Aade, 'The Regulation of Social Media Commerce under the DSA: A Consumer Protection Perspective', *Computer Law & Security Review*, 59 (2025), 106181 <https://doi.org/https://doi.org/10.1016/j.clsr.2025.106181>

²⁰ Kamran Rasool and others, 'Consumer Rights and Stealth Marketing: A Comparative Socio-Legal Exploration across Developed and Emerging Economies', *Social Sciences & Humanities Open*, 11 (2025), 101643 <https://doi.org/https://doi.org/10.1016/j.ssaho.2025.101643>

²¹ Li Fu, 'E-Commerce Consumption Data Prediction and Privacy Protection Based on Improved Neural Network Algorithm', *Computers and Electrical Engineering*, 112 (2023), 109012 <https://doi.org/https://doi.org/10.1016/j.compeleceng.2023.109012>

²² Agung Maghfira Mubila, Ikhsan Fadillah and Helfira Citra, 'Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual Beli Online (E-Commerce)', *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*, 1.4 (2025), 399-403. <https://jurnal.globalscients.com/index.php/jkhpk/article/view/569>

²³ Mira Erlinawati and Widi Nugrahaningsih, 'Implementasi Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Terhadap Bisnis Online', *Serambi Hukum*, 11.01 (2017), 27-40. <https://doi.org/10.58812/jhhws.v3i02.1108>

Although a range of regulations governing general commercial activities and electronic transactions (e-commerce) has been enacted, consumers in practice frequently remain in a vulnerable position.²⁴ One of the primary factors underlying this vulnerability is the limited level of consumer awareness concerning legal aspects, including their inherent rights. This circumstance is frequently exploited by business actors who prioritize profit maximization, thereby disregarding the legal obligations and ethical standards that should govern their commercial conduct.²⁵

Several previous studies, such as those conducted by Emma and Donna, aimed to examine the legal protection afforded to consumers in online transactions in the era of Digital 4.0. Their research generally explains that consumer protection regulations in Indonesia are implemented based on three dimensions philosophical, juridical, and sociological. The study also notes that the forms of consumer legal protection in Indonesia are predominantly preventive in nature. However, the research does not provide an in-depth discussion of the urgency to reformulate regulatory norms on consumer protection, particularly those related to repressive legal measures.²⁶ Firyaa Shabrina's study, which analyzes the effectiveness of consumer legal protection in e-commerce transactions, demonstrates that the implementation of Law No. 8 of 1999 faces challenges due to inconsistent law enforcement.²⁷ Furthermore, the research conducted by Yanci Libria explains that consumer protection regulations have not been effective in preventing fraudulent practices by business actors in electronic transactions, and emphasizes the need for the Consumer Protection Law to serve as a preventive mechanism against such crimes and as a legal safeguard for consumers.²⁸ However, both studies have yet to offer a comprehensive normative framework for revising the Consumer Protection Law.

²⁴ Lydia Kharista Saragih, Danrivanto Budhijanto and Somawijaya Somawijaya, 'Perlindungan Hukum Data Pribadi Terhadap Penyalahgunaan Data Pribadi Pada Platform Media Sosial Berdasarkan Undang-Undang Republik Indonesia Nomor 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elek', *DE'RECHTSSTAAT*, 6.2 (2020), 125–42 <https://doi.org/10.30997/JHD.V6I2.2676>

²⁵ Scolastika Vebriani, Ayu Putu and Laksmi Danyathi, 'Keabsahan Hukum Perjanjian Jual Beli Melalui E-Commerce Di Indonesia: Perlindungan Konsumen Dan UU ITE', *Kertha Desa: Journal Ilmu Hukum*, 13.10 (2025), 1008–20. <https://ejournal2.unud.ac.id/index.php/kerthadesa/article/view/273>

²⁶ Senewe and Setiabudhi.

²⁷ Firyaa Shabrina Izazi and others, 'Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Melalui Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Dan Peraturan Pemerintah (Pp) Nomor 80 Tahun 2019 Tentang Perdagangan Melalui Sistem Elektronik', *Leuser: Jurnal Hukum Nusantara*, 1.2 (2024). <https://journal.myrepublikcorp.com/index.php/leuser/article/view/73>

²⁸ Yanci Libria Fista, Aris Machmud and Suartini Suartini, 'Perlindungan Hukum Konsumen Dalam Transaksi E-Commerce Ditinjau Dari Perspektif Undang-Undang Perlindungan Konsumen', *Binamulia Hukum*, 12.1 (2023), 177–89 <https://doi.org/10.37893/jbh.v12i1.599>

Based on the existing literature, this study fills the gap by offering policy and legislative reforms to strengthen consumer legal protection. The urgency of this research lies in the increasing importance of ensuring legal certainty for consumer protection in online transactions. Such protection not only aims to uphold the fundamental rights of consumers but also encourages business actors to develop a stronger awareness of their obligations in conducting electronic transactions.²⁹ Accordingly, consumer protection will foster more honest and responsible business practices that align with the principles of fair trade. This study further seeks to address three central questions: First, an analysis of the legal issues and challenges in implementing the Consumer Protection Law. Second, the differences in consumer protection regulations for online transactions between Indonesia and Malaysia. Third, the solutions and ideal model for normative reformulation to establish a more just, proportional, and equitable legal system.

2. Research Method

This research uses a normative juridical method that focuses on examining legal norms related to consumer protection in electronic transactions. The analysis is carried out through statutory, conceptual, and comparative approaches.³⁰ The statutory approach is applied by studying primary legal materials such as the Consumer Protection Law, the Electronic Information and Transactions Law, Government Regulation on Electronic Commerce, as well as Malaysia's Consumer Protection Act 1999 and Electronic Commerce Act 2006. The conceptual approach is used to explore relevant legal doctrines and theories, including the legal system theory of Lawrence Friedman, the responsive law theory of Nonet and Selznick, and the strict liability principle within consumer protection. The comparative approach compares Indonesia's regulatory framework with Malaysia's more advanced system to identify differences, evaluate effectiveness, and determine best practices that may be adopted.³¹ Data for this study consists of primary, secondary, and tertiary legal materials collected through literature review. All materials are analyzed qualitatively to construct arguments, evaluate the adequacy of existing

²⁹ Tezar Arianto and others, 'Increasing Vocational Education Decisions Through Social Media, and Price Reduction Through Brand Trusts', *Proceedings of the 2nd Annual Conference on Blended Learning, Educational Technology and Innovation (ACBLETI 2020)*, 560 (2021), 390–95 <https://doi.org/10.2991/ASSEHR.K.210615.076>

³⁰ Riza Fanny Meutia, Ahmad Rafiki and Fahmi Natigor Nasution, 'Social Media, Buying Interest and Womenpreneur: A Review and a Call for Action', in *Economic Recovery, Consolidation, and Sustainable Growth*, ed. by Abdylmenaf Bexheti and others (Cham: Springer Nature Switzerland, 2023), pp. 699–711 https://doi.org/https://doi.org/10.1007/978-3-031-42511-0_45

³¹ Alison Cronin, 'The Important Role of Civil Class Actions in the Enforcement of Corporate Criminal Law', *Journal of Economic Criminology*, 6 (2024), 100106 <https://doi.org/https://doi.org/10.1016/j.jeconc.2024.100106>

regulations, and formulate prescriptive recommendations aimed at strengthening consumer protection in online buying and selling transactions.³²

3. Results and Discussion

The Transformation of Digital Commerce and Emerging Legal Vulnerabilities

The advancement of information technology has fundamentally reshaped the structure of social interactions and the models of economic transactions.³³ Digital transformation has not only introduced efficiency in the exchange of goods and services but also restructured the legal relationships between consumers and business actors.³⁴ The shift from conventional to electronic transactions has created a commercial space that is rapid, cross-border, and non-face-to-face, thereby giving rise to legal risks that cannot be fully addressed by traditional regulatory frameworks. Within this context, consumer protection in online transactions demands a more in-depth analysis, as the digitalization of the economy not only generates opportunities but also produces information asymmetry, legal uncertainty, and emerging forms of misconduct such as digital fraud, personal data violations, and the circulation of illegal products that evade regulatory oversight.³⁵ Therefore, the development of electronic transactions requires a more adaptive and systematic legal approach capable of addressing new challenges that classic regulations never anticipated.³⁶

The increasing reports of consumer losses in online transactions indicate that technological modernization does not automatically translate into the modernization of legal protection. Rising complaints concerning defective goods, products not matching descriptions, expired items, unlicensed products, or fraudulent sales of non-delivered goods illustrate the structural vulnerability of consumers in the digital domain. This condition signifies a gap between legal norms, institutional capacity, and societal behavior within the online transaction

³² Alicia Valda and Veyfra Walangitang, 'Perlindungan Konsumen Terhadap Produk Kadaluwarsa (Studi Perbandingan Hukum Perlindungan Konsumen Indonesia Dan Malaysia)', *UNES Law Review*, 5.4 (2023), 3279–92 <https://doi.org/10.31933/UNESREV.V5I4.618>

³³ Christopher Bajada, '9 - Money Laundering Activities in Australia—an Examination of the Push and Pull Factors Driving Money Flows', ed. by Marie dela Rama and Chris B T - *The Changing Face of Corruption in the Asia Pacific* Rowley (Elsevier, 2017), pp. 127–47 <https://doi.org/https://doi.org/10.1016/B978-0-08-101109-6.00009-5>

³⁴ Effnu Subiyanto, 'Excessive Investment Failure Corporate Strategy: A Case Study of the Bankruptcy of the State-Owned Indonesia Airline Garuda Indonesia', *Case Studies on Transport Policy*, 10.2 (2022), 1401–6 <https://doi.org/10.1016/j.cstp.2022.05.005>

³⁵ Chuan Yue and Haining Wang, 'Profit-Aware Overload Protection in E-Commerce Web Sites', *Journal of Network and Computer Applications*, 32.2 (2009), 347–56 <https://doi.org/https://doi.org/10.1016/j.jnca.2008.02.020>

³⁶ Sholahuddin Al-Fatih and others, 'Rethinking Delegated Legislation in the Indonesian Legal System', *Jurnal Hukum Novelty*, 14.2 (2023), 240 – 251 <https://doi.org/10.26555/novelty.v14i2.a27517>

ecosystem.³⁷ From the perspective of Lawrence M. Friedman's Legal System Theory, the effectiveness of law depends on three main elements: legal substance, legal structure, and legal culture. When one of these elements fails to function optimally, the law loses its capacity to provide effective protection.³⁸ In the Indonesian context, these three elements indicate an imbalance that impedes effective consumer protection in digital spaces.³⁹ The legal substance has yet to specifically regulate electronic transactions, institutional structures are fragmented and poorly coordinated, and the legal culture of society remains low in digital literacy, a problematic combination that weakens the consumer's position.⁴⁰

From the standpoint of legal substance, consumer protection in online transactions still heavily relies on general legal frameworks, such as the Consumer Protection Act (UUPK), the Electronic Information and Transactions Law (ITE Law), and other regulations pertaining to electronic commerce.⁴¹ While these norms provide a foundation, they are not fully capable of accommodating the complexity of digital transactions.⁴² The UUPK, enacted in 1999, was formulated at a time when electronic transactions were not as developed as they are today, leaving many provisions irrelevant or inadequate to address digital risks.⁴³ Issues such as platform liability, data transparency obligations, cybersecurity standards, and protection against algorithmic manipulation represent contemporary challenges untouched by existing regulations.⁴⁴ According to Philippe Nonet and Philip Selznick's Responsive Law Theory, the law should adapt to social change and respond substantively to societal needs rather than merely procedurally. If

³⁷ Wilm Fecke, Michael Danne and Oliver Musshoff, 'E-Commerce in Agriculture – The Case of Crop Protection Product Purchases in a Discrete Choice Experiment', *Computers and Electronics in Agriculture*, 151 (2018), 126–35 <https://doi.org/https://doi.org/10.1016/j.compag.2018.05.032>

³⁸ Valda and Walangitang.

³⁹ Yu-Sheng Su and others, 'Detecting Latent Topics and Trends in IoT and E-Commerce Using BERTopic Modeling', *Internet of Things*, 32 (2025), 101604 <https://doi.org/https://doi.org/10.1016/j.iot.2025.101604>

⁴⁰ Thomas Burgess and Jingru Liu, 'A Tale of Two Jurisdictions: Contrasting Cryptocurrency Regulations in Hong Kong and the United Kingdom', *Journal of Economic Criminology*, 8 (2025), 100150 <https://doi.org/https://doi.org/10.1016/j.jeconc.2025.100150>

⁴¹ Fuadi Isnawan, 'Criminal Law Enforcement to Combat Social Media-Based Prostitution', *KRTHA BHAYANGKARA*, 18.2 SE-Articles (2025), 354–80 <https://doi.org/10.31599/krtha.v18i2.1868>

⁴² Yuan Zhang and Huanjie Li, 'Cross-Border E-Commerce and Energy Efficiency: Evidence from China's Cross-Border E-Commerce Pilot Zones', *Energy Economics*, 149 (2025), 108805 <https://doi.org/https://doi.org/10.1016/j.eneco.2025.108805>

⁴³ Gehad Abdullah Amran, Xianneng Li and Ali A Al-Bakhrani, 'Link Prediction in Social Networks and E-Commerce: A Comprehensive Review and Bibliometric Analysis', *Expert Systems with Applications*, 299 (2026), 129914 <https://doi.org/https://doi.org/10.1016/j.eswa.2025.129914>

⁴⁴ Long Wen, 'Development Analysis of Cross-Border E-Commerce Logistics Based on Big Data Technology Under Safety Law Protection', *International Journal of Information Systems in the Service Sector*, 14.2 (2022) <https://doi.org/https://doi.org/10.4018/IJISSS.290547>

regulations remain static and fail to evolve alongside technological dynamics, the law becomes repressive, losing its capacity to provide effective protection.⁴⁵

Weaknesses in legal substance are also evident in the absence of specific rules on digital evidence, detailed requirements for valid electronic contracts, or obligations for platforms to ensure data security and product authenticity. As transactions shift away from face-to-face interactions, contracts transcend verbal or written agreements, operating across systems, servers, and applications.⁴⁶ This evolution raises fundamental questions regarding contract validity, the legitimacy of electronic signatures, and the authorization of parties' identities. The lack of adequate technical rules renders many disputes difficult to resolve effectively, as digital evidence does not always meet formal procedural standards. This demonstrates that Indonesian substantive law has yet to respond effectively to the consumer protection needs of the digital economy.⁴⁷

Regarding legal structure, the presence of consumer protection authorities such as the Consumer Dispute Settlement Agency (BPSK), the Ministry of Trade, the Ministry of Communication and Informatics, and the Indonesian Consumers Foundation (YLKI) has not yet been fully coordinated or integrated. Institutional fragmentation results in slow, repetitive, and inconsistent dispute resolution.⁴⁸ For instance, BPSK has adjudicative authority, but its decisions must be confirmed by district courts, rendering the resolution process inefficient.⁴⁹ Meanwhile, the Ministry of Communication and Informatics oversees electronic system operators but lacks direct enforcement power over businesses committing contractual violations. Such a legal structure does not reflect the principles of good governance, which emphasize accountability, coordination, and inter-agency effectiveness.⁵⁰

⁴⁵ Henning Glaser Anis Mashdurohatun, Bambang Sugihartono, Nurul Masrifah, Arief Indra Kusuma Adhi, 'Combating Digital Defamation: Regulations, Challenges and Protecting Reputation Anis', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.3 (2025), 486–514 <https://doi.org/https://doi.org/10.53955/jsderi.v3i3.147> *Journal*

⁴⁶ Jing Tang, Nan Zhang and Lili Wang, 'Rural E-Commerce Policy and Environmental Pollution: Evidence from China's Poverty-Stricken Counties', *Journal of Environmental Management*, 393 (2025), 127061 <https://doi.org/https://doi.org/10.1016/j.jenvman.2025.127061>

⁴⁷ Beny Saputra, 'Modelling Australian Transaction Reports and Analysis Centre (AUSTRAC) for Indonesia in Order to Combat Financial Crime', *NEGRI: Academic Journal of Law and Governance*, 1.2 (2021), 81 <https://doi.org/10.29240/negrei.v1i2.3822>

⁴⁸ Hardiana Clarisa and Hany Areta A, 'Fake Review and Liabilities Defect Goods in E-Commerce', *The Lawpreneurship Journal*, 2.1 (2022), 19–42 <https://doi.org/10.21632/tlj.2.1.19-42>

⁴⁹ Yajuan Su and Ruiying Ren, 'Can the Development of Rural E-Commerce Narrow the Urban-Rural Income Gap? Evidence from a Quasi-Natural Experiment in National Comprehensive Demonstration Counties for E-Commerce', *Finance Research Letters*, 85 (2025), 108216 <https://doi.org/https://doi.org/10.1016/j.frl.2025.108216>

⁵⁰ Soukphavanh Sawathvong and Kimihiko Hyakumura, 'A Comparison of the Free, Prior, and Informed Consent (FPIC) Guidelines and the "Implementation of Governance, Forest Landscapes, and Livelihoods" Project in Lao PDR: The FPIC Team Composition and the Implementation Process', *Land*, 13.4 (2024) <https://doi.org/10.3390/land13040408>

The absence of integrated consumer, seller, and transaction data further undermines the effectiveness of the legal structure.⁵¹ Disputes over counterfeit goods, for example, often remain unresolved because the seller's identity is unclear, operational locations are unknown, and transactions are not recorded in government monitoring systems. Institutional fragmentation allows law-breaking businesses to evade adequate sanctions. This situation contradicts Satjipto Rahardjo's principle of progressive law, which asserts that the law should deliver substantive justice and protect vulnerable groups. In the context of electronic transactions, consumers are the weaker party; thus, law enforcement should prioritize their interests.⁵² However, current practice emphasizes administrative and procedural mechanisms over substantive protection.⁵³

From the perspective of legal culture, public awareness of both legal rights and digital literacy remains low. Many consumers fail to understand their rights, do not read platform policies carefully, and lack knowledge of proper complaint mechanisms. Low legal awareness is exploited by unscrupulous businesses through misleading information, manipulative advertising, and misuse of consumer data. The instant gratification characteristic of digital consumption often exposes consumers to unperceived risks. Meanwhile, business actors frequently exploit highly technical contract clauses to limit their liability, including exoneration clauses or automatic acceptance of all terms and conditions by consumers. These patterns reveal a legal culture that does not sufficiently support effective consumer protection.⁵⁴

Globally, many countries have updated regulations to align with the digital ecosystem. The European Union, for instance, has implemented the General Data Protection Regulation (GDPR) and the Directive on Consumer Rights, rigorously regulating platform obligations, data protection, and fairness in electronic contracts. Similarly, Malaysia's Electronic Commerce Act 2006 and Consumer Protection Act 1999 provide more specific legal instruments compared to Indonesia. Relative to these nations, Indonesia still lags in legal certainty, personal data protection, and efficient digital dispute resolution mechanisms. This legal gap creates not only uncertainty but also the potential for a legal vacuum, as digital transactions often operate outside the scope of existing positive law.

⁵¹ Meng Bao and others, 'Overcoming E-Commerce Barriers in Developing Markets: A Review of Data-Driven Strategies for Sustainable Growth', *Sustainable Futures*, 10 (2025), 101408 <https://doi.org/https://doi.org/10.1016/j.sfr.2025.101408>

⁵² Zlatan Mesic and others, 'Transnational Consumer Protection in E-Commerce', *International Journal of Service Science, Management, Engineering, and Technology*, 13.1 (2022) <https://doi.org/https://doi.org/10.4018/IJSSMET.299972>

⁵³ M. Zulfa Aulia, 'Hukum Progresif Dari Satjipto Rahardjo: Riwayat, Urgensi, Dan Relevansi', *Undang : Jurnal Hukum*, 1.1 (2018), 159–85 <https://doi.org/10.22437/ujh.1.1.159-185>

⁵⁴ Thorique Akbar Nasution, 'E-Commerce in Malaysia From Law Perspective', *Mahadi: Indonesia Journal of Law*, 2.1 (2023), 11–15 <https://doi.org/10.32734/MAH.V2I1.11380>

Given this complexity, consumer protection in Indonesia's electronic transactions requires comprehensive and structured legal reform. First, the reformulation of norms is necessary to align substantive law with the characteristics of digital transactions. Second, strengthening the legal structure is essential to enhance the efficiency of institutions in resolving consumer disputes.⁵⁵ Third, changes in legal culture must be pursued through education, digital literacy, and public awareness of digital transaction risks. Consequently, consumer protection in online transactions emerges not merely as a legal issue but as a multidimensional social concern demanding an integrated approach.⁵⁶

The Effectiveness of Consumer Protection in Online Buying and Selling

Indonesia and Malaysia are two ASEAN member states that share geographical proximity and encounter several similar issues, including consumer dispute matters. Both countries enacted their respective consumer protection regulations in the same year, namely in 1999. Indonesia adopted Law Number 8 of 1999 concerning Consumer Protection (UUPA).⁵⁷ Conversely, Malaysia enacted its consumer protection legislation, the Consumer Protection Act 1999 (CPA 1999), on 9 September 1999.⁵⁸ The selection of Malaysia as a comparative object in the study of legal policy on the regulation of online buying and selling transactions is based on the consideration that the country shares geographical proximity with Indonesia and exhibits relatively similar patterns in online commercial practices. These factors render Malaysia a relevant comparator in the analysis of consumer protection regulations in the era of digital transactions.⁵⁹

However, several differences also exist regarding consumer protection in online buying and selling transactions under the legal frameworks applicable in both Indonesia and Malaysia. One notable distinction concerns the requirements for the validity of online sales transactions, where significant differences can be observed between the two jurisdictions. *First*, Indonesia does not have specific regulations governing the validity requirements of online buying and selling transactions.⁶⁰ Article 1320 of the Indonesian Civil Code regulates only the general requirements

⁵⁵Henry Donald Lbn. Toruan, 'Legal Implications of Bank Loans Turn into Corruption', *Jurnal Penelitian Hukum*, 16.1 (2016), 339–48. <https://doi.org/10.30641/dejure.2016.V16.41-60>

⁵⁶ 'Peran Penting Logistik Dalam Pertumbuhan E-Commerce Di Indonesia'.

⁵⁷ Fista, Aris Machmud and Suartini.

⁵⁸ Al Sentot Sudarwanto and Dona Budi Budi Kharisma, 'Comparative Study of Personal Data Protection Regulations in Indonesia, Hong Kong and Malaysia', *Journal of Financial Crime*, 29.4 (2021), 1443–57 <https://doi.org/https://doi.org/10.1108/JFC-09-2021-0193>

⁵⁹ Norma Sari, 'Consumer Dispute Settlement: A Comparative Study on Indonesian and Malaysian Law', *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, 5.1 (2025), 6 <https://doi.org/https://doi.org/10.22304/pjih.v5n1.a6>

⁶⁰ Ria Sintha Devi and Feryanti Simarsoit, 'Perlindungan Hukum Bagi Konsumen E-Commerce Menurut Undang – Undang No.8 Tahun 1999 Tentang Perlindungan Konsumen', *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 2.2 (2020), 119–28 <https://doi.org/10.46930/JURNALRECTUM.V2I2.644>

for the validity of agreements, namely mutual consent between the parties, legal capacity, a specific object of the agreement, and a lawful cause. In contrast, Malaysia has specific provisions governing the validity of online sales transactions, as regulated in Sections 8–16 of the Electronic Commerce Act 2006.⁶¹ These provisions require the presence of written documentation, signatures, seals, eyewitnesses, and original documents that must be preserved. In this regard, it may be understood that Indonesia's regulatory framework relies on general contractual requirements applicable to all forms of agreements, whereas Malaysia adopts more detailed and rigid specific provisions for online sales transactions.⁶²

Second, with regard to the liability of business actors in providing compensation to consumers, Indonesian law regulates this matter under Article 19 of the Consumer Protection Law (UUPK).⁶³ These provisions affirm that business actors are liable for any losses suffered by consumers as a result of the use of goods and/or services that they provide. Business actors are obligated to offer compensation in the form of replacement goods or services, refunds, or other forms of compensation in accordance with statutory regulations.⁶⁴ Such compensation must be provided no later than seven days from the date of the transaction. Nonetheless, the fulfillment of compensation does not preclude the possibility of criminal liability if elements of wrongdoing on the part of the business actor are established. This liability may be exempted only if the business actor is able to prove that the loss resulted from the consumer's own fault.⁶⁵ Conversely, in Malaysia, the consumer liability regime is regulated in a more detailed manner under the Consumer Protection Act (CPA), particularly in Sections 39 to 49. Section 39 grants consumers the right to obtain compensation if the goods fail to comply with the guarantees stipulated in Sections 31 to 37 of the CPA.⁶⁶ However, Article 40 provides that the right to compensation does not apply if the producer makes a statement outside the packaging or label which, had such a statement not been made, the goods would in fact have complied with the warranty.⁶⁷

⁶¹ Valda and Walangitang.

⁶² Dilshad Shaik and Ms.V. Poojasree, 'Consumer Protection in E-Commerce: A Legal and Compliance Framework in the Digital Market', in *Proceedings of the 1st International Conference on Law and Human Rights 2020* (ICLHR 2020), 2021, DXLIX, 18–23 <https://doi.org/10.2991/assehr.k.210506.004>

⁶³ Aan Handriani, 'Perlindungan Konsumen Dalam Perjanjian Transaksi Jual Beli Online', *Pamulang Law Review*, 3.2 (2020), 127–38 <https://doi.org/10.32493/PALREV.V3I2.7989>

⁶⁴ Ashish Raj, Debabrata Das and Tadeusz Sawik, 'Mitigating Disruption Impact in Q-Commerce through Optimization of Dark Store Resilient Portfolio', *Transportation Research Part E: Logistics and Transportation Review*, 205 (2026), 104518 <https://doi.org/https://doi.org/10.1016/j.tre.2025.104518>

⁶⁵ Abdullah Amran, Li and Al-Bakhrani.

⁶⁶ Naemah Amin, Naemah Amin and Roshazlizawati Mohd Nor, 'Online Shopping in Malaysia: Legal Protection for E-Consumers', *European Journal of Business and Management*, 5.24 (2013), 79–86. <https://www.iiste.org/Journals/index.php/EJBM/article/view/8034>

⁶⁷ Rasool and others.

Article 41 provides several remedial options for consumers, including the right to request the repair of a defect that can be remedied within a reasonable time; to reject the goods or obtain compensation if the defect cannot be repaired or is substantial in nature; to receive compensation for consequential losses arising from the defect; and to have the defect remedied elsewhere and recover the associated costs from the supplier if the supplier refuses or fails to make the repair within a reasonable period.⁶⁸ Furthermore, Section 46 of the CPA regulates the consumer's right to reject goods.⁶⁹ Subsection (1) grants consumers the option either to receive a refund or any other consideration previously provided in connection with the goods, or to obtain a replacement with a similar item of equivalent value if such goods remain available in the supplier's inventory. Subsection (2) clarifies that the refund may be given in the form of cash or any other consideration previously provided. Subsection (3) stipulates that the obligation to provide a refund cannot be satisfied by offering substitute goods unless the consumer expressly opts for such an alternative. Subsection (4) establishes that any replacement goods provided to the consumer shall be regarded as new goods and therefore subject to all warranties and obligations prescribed under the CPA.⁷⁰

Third, differences also exist in the mechanisms for resolving consumer disputes. In Indonesia, consumer dispute resolution is governed by the Consumer Protection Law (UUPK). Article 45 of the UUPK provides two options for resolving disputes: through the courts (litigation) or outside the courts (non-litigation).⁷¹ Litigation based resolution is conducted through general courts, whereas non-litigation dispute resolution takes place outside the courts, such as through the Consumer Dispute Settlement Agency (BPSK).⁷² In resolving consumer disputes, the BPSK employs three mechanisms: mediation, arbitration, and conciliation. BPSK is authorized to adjudicate consumer disputes under the Consumer Protection Law (UUPK); however, the extrajudicial enforceability of its decisions must first be confirmed by the District Court. In Malaysia, multiple avenues for dispute resolution also exist, including general courts, commercial courts, and arbitration institutions. Under Section 85 of the CPA, an institution known as the "*Tribunal for*

⁶⁸ Jan Mei Soon, 'Consumers' Awareness and Trust Toward Food Safety News on Social Media in Malaysia', *Journal of Food Protection*, 83.3 (2020), 452–59 <https://doi.org/https://doi.org/10.4315/0362-028X.JFP-19-415>

⁶⁹ Deviana Yuanitasari, Hazar Kusmayanti and Agus Suwandono, 'A Comparison Study of Strict Liability Principles Implementation for the Product Liability within Indonesian Consumer Protection Law between Indonesia and United States of America Law', *Cogent Social Sciences*, 9.2 (2023) <https://doi.org/10.1080/23311886.2023.2246748>

⁷⁰ Nur Amira Hidayah Razali, Wan Rosalili Wan Rosli and Mohd Bahrin Othman, 'The Legal Protection of E-Consumers Against E-Commerce Fraud in Malaysia', *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 7.9 (2022), e001778–e001778 <https://doi.org/10.47405/MJSSH.V7I9.1778>

⁷¹ Fista, Aris Machmud and Suartini.

⁷² Sudarwanto and Kharisma.

Consumer Claims,” or *Tribunal Tuntutan Pengguna Malaysia* (TTPM), was established to resolve consumer disputes.⁷³

Fourth, regarding sanctions for business actors who violate the provisions of the law, under the Consumer Protection Law (UUPK), sanctions imposed in the event of consumer disputes in buying and selling activities can take the form of administrative penalties and criminal penalties.⁷⁴ Administrative sanctions are regulated under Article 60 of the UUPK, which stipulates that compensation may be set at a maximum of IDR 200,000,000. Criminal sanctions are governed by Article 62 of the UUPK, providing for imprisonment of up to five years or fines of up to IDR 2,000,000,000 for certain violations, and imprisonment of up to two years or fines of up to IDR 500,000,000 for other violations.⁷⁵ Violations that result in serious injury, permanent disability, or death are subject to additional criminal penalties under Article 63, including the confiscation of goods, public announcement of the court’s decision, payment of compensation, orders to cease operations, withdrawal of goods from circulation, or revocation of business licenses.⁷⁶

The CPA provides sanctions for offenders under Sections 24I and 25. Section 24I (1) stipulates that individuals or entities who violate the provisions in Part IIIA, specifically by engaging in unfair contract practices, may face penalties of up to RM250,000 for corporate bodies, and up to RM500,000 for repeated offenses. Individuals may be fined up to RM100,000, imprisoned for a maximum of three years, or both, with more severe penalties applied for repeat violations.⁷⁷ Pursuant to Section 24I(2), a daily penalty not exceeding RM2,000 may be imposed for continuing contraventions. In addition, Section 25(1) provides that any person who engages in fraudulent conduct, makes false representations, engages in unfair practices, or fails to comply with the safety requirements of goods and services shall be liable to a fine of up to RM250,000 in the case of a corporate entity, and up to RM500,000 for repeated contraventions. For individuals, the penalty may consist of a fine not exceeding RM100,000, imprisonment for a term not exceeding three years, or both, with more severe sanctions applicable for recidivist offences.⁷⁸ Section 25(2) provides that a daily fine not exceeding RM1,000 may be imposed for continuing offences.

⁷³ Thorique Akbar Nasution.

⁷⁴ Meskic and others.

⁷⁵ Febri Falisa Putri and others, ‘Kajian Tentang Perlindungan Hukum Konsumen Indonesia Dalam Pembelian Dan Penjualan Online’, *Cendekia: Jurnal Hukum, Sosial Dan Humaniora*, 3.2 (2025), 1155–64 <https://doi.org/10.70193/CENDEKIA.V3I2.221>

⁷⁶ Yang.

⁷⁷ Razali, Rosli and Othman.

⁷⁸ Muhammad Sabir Rahman and Corresponding Author, ‘A Comparative Study of Fair Online Buying and Selling Regulations: A Legal Comparison Between Indonesia, Malaysia, and Singapore’, *SASI*, 30.2 (2024), 157–68 <https://doi.org/10.47268/sasi.v30i2.2021>

In general, the criminal provisions under the UUPK impose higher fines and longer terms of imprisonment compared to those under the CPA.⁷⁹ Nevertheless, the CPA includes additional provisions in the form of daily fines for continuing violations, a mechanism not found in the UUPK.⁸⁰ From the foregoing, it can be understood that Malaysia demonstrates a more advanced approach to regulating consumer protection in online buying and selling transactions, particularly in terms of dispute resolution, and the effectiveness and maturity of Malaysia's legal system provide a valuable model from which Indonesia can draw lessons.⁸¹ Referring to practices in Malaysia, Indonesia needs to refine its regulations concerning consumer protection, particularly by establishing specific provisions for online buying and selling transactions (e-commerce) to ensure legal certainty and protection for all parties involved in online transactions.

Regulatory Barriers to Consumer Protection in Digital Marketplaces

Maintaining customer security is essential to running a profitable business.⁸² This also includes electronic commerce transactions. Article 1, paragraph (1) of the Consumer Protection Law states, "Consumer protection includes all efforts that guarantee legal certainty to protect consumers." Based on this regulation, the law states that consumer protection encompasses any initiative that ensures legal certainty and protects consumers.⁸³ The scope of consumer protection is vast, encompassing goods and services from acquisition through use. Consumer protection can be understood in two main aspects: first, ensuring that the goods received by consumers comply with the applicable provisions in the agreement; and second, protecting consumers from unfair conditions.⁸⁴

However, there are still gaps in the implementation and enforcement of this protection, particularly in e-commerce. For example, although existing laws provide a framework for dispute resolution and consumer education, these provisions are often not adequately enforced in practice, resulting in unresolved

⁷⁹ Masnita Misirana and others, 'Early Detection Method for Money Fraudulent Activities on E-Commerce Platform via Sentiment Analysis', *Journal of Entrepreneurship and Business*, 9.2 (2021), 121–42 <https://doi.org/10.17687/JEB.V9I2.804>

⁸⁰ M Premkumar and others, 'AI Based Strategic Decision Framework for Precise E-Commerce Applications and Ensuring Consumer Trust through Tactical Precision and Decision-Driven Strategies', *Results in Engineering*, 28 (2025), 108191 <https://doi.org/https://doi.org/10.1016/j.rineng.2025.108191>

⁸¹ Sari.

⁸² Ferroka Putra Wathan, 'Legal Effectiveness In Providing Consumer Protection For Online Sales And Purchase At Ecommerce', *Journal Research of Social Science, Economics, and Management*, 2.11 (2023), 2707–18 <https://doi.org/10.59141/jrssem.v2i11.462>

⁸³ Ilfa Luthfia Hidayah and others, 'Legal Protection For Consumers In Online Buying and Selling Transactions: A Civil Law Perspective', *Journal of Social Science (JoSS)*, 4.5 (2025), 254–59 <https://doi.org/10.57185/joss.v4i5.451>

⁸⁴ Kiki Yulinda, Dora Tiara and Meydianto Mene, 'Legal Protection for Consumers in Online Buying and Selling Transactions According to Positive Law in Indonesia', *Jurnal Ilmiah Ekotrans & Erudisi*, 4.2 (2024), 31–43 <https://doi.org/10.69989/fj7j1z47>

consumer complaints. The lack of adequate legal redress mechanisms for online transactions further complicates the consumer rights landscape in this sector. Additionally, consumers are also vulnerable to issues such as fraud, data breaches, and unfair contract terms, especially considering the widespread use of standard clauses in e-commerce contracts that prioritise business interests over consumers' personal rights.⁸⁵ Among its obstacles, the most prominent is that consumers will be required to prove the manufacturer's fault/negligence. Otherwise, consumer claims will be rejected. Therefore, there is an urgent need for stronger enforcement mechanisms to ensure that the legal framework provides tangible benefits to consumers and fosters a trustworthy e-commerce environment.⁸⁶

The effectiveness of consumer protection in electronic transactions, *first* from the perspective of the law's substance. Legislation must ensure that consumers have fair and affordable means to resolve disputes and obtain compensation. Therefore, it is crucial to have the necessary regulations to protect online consumers.⁸⁷ The urgency of consumer protection law reform in Indonesia is driven by rapid technological adoption and changing consumer expectations. As highlighted in various studies, the evolving nature of digital transactions necessitates significant legislative updates and the establishment of more effective enforcement mechanisms to address the unique challenges posed by e-commerce.⁸⁸

To ensure legal certainty in consumers' rights to receive compensation, consumer protection laws should incorporate the principle of strict liability into their substance.⁸⁹ This is based on, *first*, the principle that, between consumers/victims and producers, the party that produces and distributes defective products in the market should bear a greater business risk; and *second*, producers who distribute products in the market must guarantee that the products are safe for consumption.⁹⁰ Therefore, if the product is found defective, the producer must be responsible for compensating for the losses it causes. The application of strict liability principles has varied objectives among the initial

⁸⁵ Dudi Badruzaman Dudi Badruzaman, 'Legal Review of Consumer Protection in E-Commerce Transactions in Indonesia', *Equality: Journal of Law and Justice*, 2.1 (2025), 89–102 <https://doi.org/10.69836/equality-jlj.v2i1.271>

⁸⁶ Yuanitasari, Kusmayanti and Suwandono.

⁸⁷ Shaik and Poojasree, DXLIX.

⁸⁸ Latifa Albshaier, Seetah Almarri and M. Hafizur Rahman, 'A Review of Blockchain's Role in E-Commerce Transactions: Open Challenges, and Future Research Directions', *Computers*, 13.1 (2024), 27 <https://doi.org/10.3390/computers13010027>

⁸⁹ Diky Faqih Maulana, Makhruh Makhruh and Hamidatul Hasanah, 'The Urgency of MUI Halal Fatwa about Food, Beverage, Medicine and Cosmetic Products for the Consumer Protection', *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 5.2 (2022), 199–214 <https://doi.org/10.24090/volkgeist.v5i2.6421>

⁹⁰ Nguyen Thi Phuong Giang, Thai Dong Tan and Le Thi Hong Nhung, 'Determinants of E-Commerce Adoption and Its Effect on Marketing Performance among Vietnamese SMEs: An PLS-SEM Approach Using the TOE Framework', *Journal of Open Innovation: Technology, Market, and Complexity*, 11.4 (2025), 100670 <https://doi.org/https://doi.org/10.1016/j.joitmc.2025.100670>

decisions regarding its establishment. Still, the primary goal is to ensure that consumers receive compensation from business owners for the production of defective or dangerous products. Additionally, compensation is the responsibility of the business operator, not the consumer, as the latter is powerless and vulnerable without protection. Consumer protection laws should be preventive measures to protect consumers' rights in electronic transactions.⁹¹

Second, from the aspect of legal structure. The legal structure for consumer protection refers to the existence, authority, and performance of institutions responsible for enforcing consumer rights when violations occur, including in electronic transactions.⁹² In the context of e-commerce, the presence of dispute-resolution institutions is significant given the characteristics of digital transactions, which are prone to information asymmetry, difficulty in proving, and the potential for fraud or product discrepancies. Currently, institutions such as the Consumer Disputes Resolution Agency (BPSK), the Business Competition Supervisory Commission (KPPU), the Ministry of Trade, the Ministry of Communication and Information, and judicial institutions already have certain authorities to handle consumer issues. Still, their effectiveness remains constrained by various obstacles.⁹³

In addition, consumer protection agencies such as the Indonesian Consumer Foundation also need to strengthen their role as advocacy institutions, trade practice supervisors, and consumer companions.⁹⁴ The existence of these institutions is crucial for bridging the gap between consumers and businesses, especially when issues cannot be resolved through the Marketplace platform's internal mechanisms. The government also needs to improve coordination between agencies, at both the central and regional levels, so that enforcement of consumer rights can be carried out consistently, transparently, and accountably.⁹⁵ In the context of electronic transactions, strengthening the legal framework concerns not only dispute-resolution institutions but also oversight of electronic system providers (ESPs), marketplaces, and logistics companies. Integrated supervision is needed to ensure that every actor in the digital ecosystem adheres to consumer protection principles, including transparency in information, the security of

⁹¹ Clarisa and Areta A.

⁹² Ashadi L. Diab and others, 'Safeguarding Consumers: The Role of Industry and Trade Office in Countering Monopolistic Practices and Ensuring Business Protection', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2023, 299–312 <https://doi.org/10.24090/volksgeist.v6i2.9065>

⁹³ Shumin Wang, Yincheng Li and Muhammad Bilawal Khaskheli, 'Innovation Helps with Sustainable Business, Law, and Digital Technologies: Economic Development and Dispute Resolution', *Sustainability*, 16.10 (2024), 3910 <https://doi.org/10.3390/su16103910>

⁹⁴ Mikea Manitra Ramalina Ranaivo, 'Illegal Online Loan (Pinjol) in Indonesia: Ethical and Human Rights Perspectives', *Recht Studiosum Law Review*, 3.1 (2024), 58–76 <https://doi.org/10.32734/rslr.v3i1.16206>

⁹⁵ Alina Mungiu-Pippidi, 'Transparency and Corruption: Measuring Real Transparency by a New Index', *Regulation & Governance*, 17.4 (2023), 1094–1113 <https://doi.org/10.1111/rego.12502>

personal data, and responsibility for consumer losses. Thus, improving the effectiveness of the legal framework is a strategic step towards creating a safe, fair, and trustworthy environment for consumer electronic transactions.⁹⁶

Third, from the aspect of legal culture. The element of legal culture relates to the level of public awareness, understanding, and compliance with legal norms, including in the context of consumer protection in online transactions.⁹⁷ In practice, many consumers in Indonesia still have low levels of digital and legal literacy, so they are unaware of their inherent rights when making online transactions.⁹⁸ This lack of understanding makes consumers vulnerable to harmful trade practices, such as fraud, goods that do not match the description, unauthorised transfer of personal data, and unfavourable contract terms.⁹⁹ Therefore, raising public awareness is a crucial agenda in building a legal culture that is more responsive and adaptable to the development of e-commerce. The government, along with relevant institutions, should launch an educational campaign on consumer rights, complaint mechanisms, and available legal protections. The campaign can be realised through social media, official government websites, collaborations with marketplaces, and the involvement of civil society organisations such as YLKI. Additionally, digital literacy and legal literacy training programs for the general public, students, and MSME actors can improve consumers' ability to identify risks, understand product regulations, and make safer decisions when transacting online.¹⁰⁰

E-commerce platforms also play a strategic role in shaping a healthy legal culture. Marketplaces can provide educational content explaining the rights and obligations of both buyers and sellers, return policies, data protection policies, and dispute resolution procedures.¹⁰¹ This educational feature not only helps consumers but also encourages businesses to uphold high service standards and

⁹⁶ Prof. Dr. Paolo Balboni and Kate Elizabeth Francis, 'Data Ethics and Digital Sustainability: Bridging Legal Data Protection Compliance and ESG for a Responsible Data-Driven Future', *Journal of Responsible Technology*, 22 (2025), 100099 <https://doi.org/10.1016/j.jrt.2024.100099>

⁹⁷ Rakesh Belwal, Rahima Al Shibli and Shweta Belwal, 'Consumer Protection and Electronic Commerce in the Sultanate of Oman', *Journal of Information, Communication and Ethics in Society*, 19.1 (2020), 38–60 <https://doi.org/https://doi.org/10.1108/JICES-09-2019-0110>

⁹⁸ Salsa Octaviani Suryanto and Aji Mulyana, 'Legal Challenges in Overcoming Changes in Social Behaviour Due to the Development of Technology and Information', *Golden Ratio of Law and Social Policy Review*, 3.2 (2024), 84–96 <https://doi.org/10.52970/grlspr.v3i2.359>

⁹⁹ Lauren I. Labrecque and others, 'When Data Security Goes Wrong: Examining the Impact of Stress, Social Contract Violation, and Data Type on Consumer Coping Responses Following a Data Breach', *Journal of Business Research*, 135 (2021), 559–71 <https://doi.org/10.1016/j.jbusres.2021.06.054>

¹⁰⁰ Yipin Lv, 'Cultivation of Teenagers' Digital Media Literacy and Network Legal Literacy in the Era of Digital Virtual Technology', ed. by Ahmed Farouk, *Scientific Programming*, 2022 (2022), 1–9 <https://doi.org/10.1155/2022/2978460>

¹⁰¹ Amaresh Patel and others, 'Online Dispute Resolution Mechanism as an Effective Tool for Resolving Cross-Border Consumer Disputes in the Era of E-Commerce', *International Journal of Law and Management*, 2025 <https://doi.org/10.1108/IJLMA-07-2024-0245>

avoid fraudulent practices. Thus, collaboration between the government, businesses, and the public is key to building a strong culture of legal compliance in the digital ecosystem. Strengthening the legal culture will ultimately create a safer, more transparent, and fairer environment for electronic transactions. When consumers understand their rights and businesses are aware of their legal obligations, a more balanced relationship is established between the two parties. This not only increases public trust in digital commerce but also promotes sustainable e-commerce growth in Indonesia.¹⁰²

Based on this, the three ideal policy models can be applied to improve the effectiveness of consumer protection in electronic transactions. Consistent and integrated implementation between adequate legal substance, a responsive institutional structure, and a supportive legal culture will create a safer, more transparent, and just e-commerce ecosystem. Thus, Indonesia can strengthen consumer confidence, boost digital economic growth, and ensure that consumer rights are optimally protected in the era of technology-based trade. Moreover, aligning national policies with emerging global best practices will further enhance Indonesia's readiness to face future challenges in the rapidly evolving digital marketplace.¹⁰³

4. Conclusion

Considering various aspects and analyses, it can be concluded that, *first*, the development of electronic transactions has created both opportunities and new legal risks, making adaptive and responsive regulations essential for consumer protection. Weaknesses in legal substance, fragmented institutional structures, and low levels of legal and digital literacy among the public are the main factors undermining effective consumer protection in the digital era. Comprehensive legal reform, including updates to legal norms, strengthening of institutional frameworks, and enhancement of legal culture, is necessary to ensure that consumers receive effective and equitable protection. *Second*, a comparison shows that Malaysia has more comprehensive and specific regulations regarding consumer protection in online transactions compared to Indonesia, especially in terms of transaction validity requirements, business operator liability, dispute resolution, and sanctions. Therefore, Indonesia needs to strengthen and clarify its e-commerce regulations to provide legal certainty and more effective consumer protection. *Third*, the effectiveness of consumer protection in online transactions can be significantly enhanced by implementing an ideal policy model that integrates robust legal foundations, effective institutional structures, and a supportive legal culture. By strengthening these three pillars and aligning national

¹⁰² Shumin Wang, Xin Jiang and Muhammad Bilawal Khaskheli, 'The Role of Technology in the Digital Economy's Sustainable Development of Hainan Free Trade Port and Genetic Testing: Cloud Computing and Digital Law', *Sustainability*, 16.14 (2024), 6025 <https://doi.org/10.3390/su16146025>

¹⁰³ Zlatan Morić and others, 'Protection of Personal Data in the Context of E-Commerce', *Journal of Cybersecurity and Privacy*, 4.3 (2024), 731–61 <https://doi.org/10.3390/jcp4030034>

policies with global best practices, Indonesia can create a digital ecosystem that is safe, trustworthy, and optimally protects consumer rights.

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