

## Legal Protection of Consumers in Transactions E-Commerce in Indonesia

Helna Tri Syanturi<sup>1</sup>, Irma Roudlotul Janah<sup>2</sup>, Arif Zunaidi<sup>3</sup>

<sup>123</sup> Faculty of Islamic Economics and Business, Kediri State Islamic Religious Institute, Indonesia

The development of information technology has driven the rapid growth of e-commerce in Indonesia. Online transactions offer convenience for consumers, but also present various potential risks such as fraud, unsuitable goods, and data privacy violations. This research aims to analyze the legal protection provided to consumers in e-commerce transactions, as well as the effectiveness of existing regulations in guaranteeing consumer rights. The method used is a normative juridical approach by examining laws and regulations such as Law Number 8 of 1999 concerning Consumer Protection, ITE Law, and Government Regulation No. 80 of 2019 concerning Trading Through Electronic Systems. The results showed that although regulations are available, the implementation of legal protection for consumers still faces challenges, especially in the aspects of law enforcement and consumer education. Therefore, collaborative efforts between the government, business actors, and the community are needed to create a safe and fair e-commerce ecosystem for consumers.

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### 1. Introduction

The advancement of digital technology has driven the rapid growth of the e-commerce sector in Indonesia. People are now increasingly accustomed to making online transactions due to convenience, time efficiency, and various attractive offers. However, behind this convenience, there are various risks faced by consumers, such as goods that do not match the description, late delivery, fraud, and misuse of personal data. The advancement of digital technology has driven the rapid growth of the e-commerce sector in Indonesia. People are now increasingly accustomed to making online transactions due to convenience, time efficiency, and various attractive offers. However, behind this convenience, there are various risks faced by consumers, such as goods that do not match the description, late delivery, fraud, and misuse of personal data. This situation highlights a significant gap between the rapid development of e-commerce and the effectiveness of existing consumer protection mechanisms, which requires deeper academic examination.

Consumer protection issues are becoming increasingly important as the volume of online transactions increases. Consumers as relatively weak parties in bargaining positions often suffer losses without adequate resolution. In fact, legal protection of consumers has been regulated in various regulations such as Law Number 8 Year 1999 on Consumer Protection and the ITE Law. Unfortunately, the implementation of these regulations has not been fully effective in responding to the challenges of the digital world.

On the other hand, consumer dispute resolution institutions, both through litigation and non-litigation channels, still face various obstacles. The low digital literacy of the public also worsens the situation, as many consumers do not understand their rights in online transactions.

Therefore, it is important to analyze the forms of risks faced by consumers, the effectiveness of existing legal protections, and seek more adaptive protection strategies in the future. This research aims to provide a

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#### Address of Corresponding Author

<sup>1</sup>Kediri State Islamic Religious Institute, Sunan Ampel Street, No.7, Ngronggo District, Kediri City, East Java 64127

[helnatri1303@gmail.com](mailto:helnatri1303@gmail.com)

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comprehensive overview of the challenges of consumer protection in e-commerce and offer relevant solutions in the digital era.

### **Literature review**

#### **Teori Technology Acceptance Model (TAM)**

The Legal protection of consumers in e-commerce transactions in Indonesia can be understood through the approach of several theories, such as consumer protection theory that emphasizes the importance of fulfilling basic consumer rights, protection law theory that positions the law as a tool to maintain fairness and transaction security, electronic transaction theory that highlights the importance of trust and data security in digital systems, and legal effectiveness theory that emphasizes the importance of synergy between legal substance, enforcement officials, and public awareness. Legal protection of consumers in e-commerce transactions in Indonesia can be understood through the approach of several theories, such as consumer protection theory that emphasizes the importance of fulfilling basic consumer rights, protection law theory that positions the law as a tool to maintain fairness and transaction security, electronic transaction theory that highlights the importance of trust and data security in digital systems, and legal effectiveness theory that emphasizes the importance of synergy between legal substance, enforcement officials, and public awareness. These theories collectively provide a comprehensive foundation for analyzing how regulatory mechanisms, enforcement, and consumer behavior interact to shape the effectiveness of legal protection in e-commerce.

The conceptual framework in this context includes five important aspects, namely regulations (Consumer Protection Law, ITE Law, and PMSE PP), protection of consumer rights (rights to information, products, and complaint services), digital challenges (fraud, data leakage, low literacy), the role of supporting institutions (BPSK, OJK, Kominfo), and solution efforts such as regulatory updates, consumer education, and collaboration between the government, e-commerce players, and the community.

So legal protection of consumers in e-commerce transactions is not enough to rely solely on regulations, but also requires strong law enforcement, increased digital literacy, and active collaboration from all stakeholders to create a safe and fair digital trade ecosystem.

## **2. Method**

This research uses the normative juridical method, which is an approach that focuses on analyzing the applicable legal norms, both in the form of legislation and legal principles relevant to the protection of consumers in e-commerce transactions. Furthermore, the data is analyzed using a qualitative analysis method, namely by interpreting and drawing conclusions from the results of legal studies systematically to assess the effectiveness of legal protection of consumers in e-commerce transactions. The analysis focuses on key indicators such as the adequacy of legal norms, consistency of law enforcement, institutional performance, and the level of public legal awareness, providing a structured basis for drawing conclusions and recommendations. This method was chosen because the research aims to examine the extent to which existing legal regulations are able to provide protection to consumers in the digital realm. The data used is secondary data obtained through literature studies, such as Law Number 8 of 1999 concerning Consumer Protection, Electronic Information and Transactions Law, Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems, as well as various legal literature, scientific journals, and official documents from relevant agencies such as Kominfo, OJK, and LKPP. Data collection techniques are conducted through documentation, namely by reviewing relevant legal documents and academic sources.

Furthermore, the data is analyzed using a qualitative analysis method, namely by interpreting and drawing conclusions from the results of legal studies systematically to assess the effectiveness of legal protection of consumers in e-commerce transactions, as well as formulating recommendations to strengthen the existing legal system in the digital era.

## **3. Results & Discussion**

### **Analysis of Consumer Legal Protection in E-Commerce Transactions**

The following are some of the primary hazards that customers in the e-commerce industry encounter while transacting digitally:

1. Risks associated with personal data security, which is often inadequate and permits personal data to leak. Customers run the danger of their name, address, credit card number, and other private information being compromised and abused by careless individuals. These dangers, which may damage customers' finances and reputations, include phishing, malware attacks, identity theft, and data breaches (Silvia et al. 2024)

2. Online purchases carry a high risk of fraud, including credit card fraud, phony discount offers, and customers paying for items but never getting them. This scam frequently occurs as a result of e-commerce platforms' failure to verify vendors and items (Hasanah et al. 2023) .
3. Product risk refers to the discrepancy between the advertised quality or description and the actual product. Customers run the danger of receiving things that are flawed, fake, or not what they expected because they are unable to examine or test the product in person.
4. The possibility of squandering money as a result of fraud or increased product pricing, losing money as a result of unsafe transactions, and using credit cards that are vulnerable to data theft and eavesdropping. Customers who purchase online are quite concerned about this risk (Hasanah et al. 2023).
5. Risk of Time, This risk is brought on by product delivery delays or challenges throughout the product choosing process, which inconveniences customers and may result in time losses.
6. Social and Psychological Hazards, Consumer discontent from selecting the incorrect product might result in psychological concerns such as stress or regret. Although social risk is regarded as less relevant in many studies, it is related to the consumer's view of how others would evaluate their purchase.
7. Risks associated with transaction security, including the possibility of financial data loss during online payments, Man-in-the-Middle attacks, DoS/DDoS attacks that interfere with payment systems, and other security threats that may result in monetary losses and interruptions to services.

The National Strategy for Consumer Protection 2024 was created by the Indonesian government in response to these problems, with the goal of enhancing e-commerce security and confidence (Sekretariat KADIN Indonesia, 2024). This strategy calls for tighter law enforcement against online scammers, more transparent product information, and stronger controls on e-commerce platforms (Prayuti 2024). This analysis indicates that consumer risks in e-commerce are multidimensional, covering legal, technical, and psychological aspects. Viewed from the perspective of consumer protection theory, these risks reflect an imbalance between consumer rights and business practices. Meanwhile, according to legal effectiveness theory, the persistence of these problems shows that the synergy between legal substance, law enforcement, and public awareness remains weak. Strengthening these three components is essential to ensure effective consumer legal protection in Indonesia's digital economy.

Examples of instances when consumer rights have been violated in e-commerce include the following:

1. Trade and Leakage of User Data

In October 2020, RedMart, a Lazada-owned online grocer, had 1.1 million user records compromised. Names, phone numbers, email addresses, addresses, passwords, and credit card numbers were among the many pieces of sensitive data that were exchanged. The data was taken from the RedMart database, which was maintained by a third-party service provider, according to Lazada, who admitted the attempt at data theft. Lazada asserts, however, that the stolen information is outdated. As it happens, a similar incident occurred in July 2020 as well. The Indonesian Cyber Research Institute Communication and Information System Security Research Center (CISSReC) made the discovery of third-party e-commerce user account data selling operations. In this example, one of the social networking sites was used to trade 91 million e-commerce user records. The e-commerce party claimed that the person who uploaded the unlawful information was not at fault and that the data was not the result of a fresh attempt at theft and that the password information for e-commerce users was secure (Sihombing et al. 2024) .

2. Product Sales Not what was described

A lot of customers get products that don't look like the pictures or descriptions on the online store. Article 7 of the Consumer Protection Law No. 8 of 1999, which mandates that companies give accurate, transparent, and truthful information, would be broken, for example, if a customer purchased a product on Shopee but the item they received differed from what was advertised. The Central Jakarta District Court's ruling (No. 90/Pdt.G/2019/PN.Jkt.Pst) mandated that companies compensate customers for certain infractions (Naila Zeva 2024) .

3. Cancellation of a transaction unilaterally and without compensation

Another instance happened in September 2018 when a customer purchased a Xiaomi Note 5 smartphone during the Shopee Flash Sale and the vendor unilaterally canceled the transaction because

the customer had entered the wrong SKU code. Shopee failed to adequately safeguard or compensate customers, and the supplier provided an inappropriate replacement item.

Particularly in the present digital and e-commerce era, the government's and consumer protection organizations' roles are essential to ensuring consumer rights and fostering a positive business environment in Indonesia. The Function of the Government in Protecting Consumers:

1. **Direction and Oversight:** To guarantee that business actors' and consumers' rights are upheld and their responsibilities are carried out, the government must promote and oversee the application of consumer protection laws. Depending on their areas of expertise, key ministries including the Food and Drug Supervisory Agency (BPOM), the Ministry of Trade, and the Ministry of Transportation provide guidance. To safeguard customers from hazardous items, this supervision consists of product safety oversight, orderly measurement, and quality control of goods and services (Matara and Djaja 2023) .
2. **Formulation of Policies and laws:** Law No. 8/1999 on Consumer Protection, the ITE Law, and other supplementary laws are among the rules that the government creates to safeguard consumers. These rules outline the responsibilities and rights of both consumers and corporate players, and they also impose penalties on those who break them (Taufiq Aulia Rahman, 2024).
3. **Law Enforcement and Sanctions:** The government enforces the law by closely monitoring corporate actors and imposing administrative, civil, and criminal penalties for infractions of consumer protection laws. In order to preserve public confidence and stop commercial activities that hurt customers, law enforcement is crucial.
4. **Consumer Empowerment and Education:** Through a variety of platforms and media, the government is aggressively educating and empowering the people on their rights and responsibilities as consumers. The goal of this rise in consumer awareness is to make customers more astute and watchful while making purchases, particularly in the digital sphere.
5. **Product monitoring and Standardization:** To guarantee the quality and safety of the items that the general public consumes, the government is stepping up product standardization and monitoring of goods and services in circulation. This fosters the development of a creative and cutthroat corporate environment.

In the meantime, the Consumer Protection Agency's role:

1. **The National Consumer Protection Agency (BPKN)** is responsible for conducting research and studies, receiving consumer complaints, and advising and recommending consumer protection policies to the government. In order to address consumer protection concerns, BPKN acts as a mediator between the government, corporate players, and consumers (Chumaida and SH 2021) .
2. **Non-governmental consumer protection groups (LPKSM):** LPKSM helps resolve consumer disputes without going to court by advocating for, educating, and supporting consumers to ensure their rights are upheld.

Indonesian law enforcement has not operated at its best due to a number of flaws and difficult problems. The lack of professionalism and morality among law enforcement personnel is one of the primary issues. People's mistrust of the judicial system stems from the fact that many officials continue to engage in corrupt activities and are readily swayed by political pressure or private interests. Furthermore, there is still a lot of ambiguity, E - Commerce Regulation Improvement overlap and frequent changes in the current legal and regulatory framework, which leaves the public and law enforcement in the dark about the law. Legal services are not at their best because of this circumstance, which is made worse by a lack of facilities and skilled human resources, including supporting facilities and insufficient funding.

Additionally, there is a lack of coordination among law enforcement officers, which results in overlapping duties and ineffective case management. This hinders the development of a quick, easy, and affordable legal system. Furthermore, there is still a lack of public understanding and involvement in aiding police enforcement. There is little support for the legal system since many individuals are unaware of their rights and the significance of the law.

Comprehensive changes are required in light of these numerous flaws and difficulties, which include enhancing the legal and regulatory framework, improving the quality of human resources, and bolstering public-law enforcement coordination.

### **Consumer Protection Efforts and Strategies in E-Commerce Transactions**

A selection of e-commerce-specific regulations that can be included in this typology are, for example, Law No. 8 Year 1999 on Consumer Protection, Government Regulation No. 80 to Law No. 8 (Limited Liability Company Law), Government Regulation of the Republic of Indonesia No. 7 Year 2019 on Trading Through Electronic Systems, and OJK regulations on Information Technology-Based Money Lending and Borrowing Services, all of which affect the dynamics of the relationship between business actors and consumers in e-commerce platforms. The implementation of these regulations is essential to enhance consumer protection and ensure business actors' compliance with applicable regulations. The complexity of compliance requirements and businesses' lack of understanding of these regulations is something that can be pursued in the education and socialization process. The government can develop collaborative solutions with e-commerce platforms and consumer organizations to discuss relevant laws and regulations.

Despite the fact that Indonesia's e-commerce laws protect consumers, both businesses and consumers still have difficulty complying with them. Key barriers to achieving optimal compliance include the complexity of the laws, limited company resources, low consumer knowledge, and incomplete information. Collaboration between the government, e-commerce platforms, consumer advocacy groups and companies is needed to improve compliance with e-commerce regulations in Indonesia. Improved compliance can be achieved through business advice and simplification of regulatory guidance. In addition, more efficient education initiatives should be undertaken to improve consumers' knowledge of their rights and existing dispute resolution procedures.

1. Strengthening Dispute Resolution Institutions Consumers

Strengthening consumer dispute resolution institutions, particularly the Consumer Dispute Resolution Body (BPSK), is very important to ensure the protection of consumer rights. BPSK has a strategic role in resolving disputes effectively and providing legal certainty for consumers who demand their rights. In addition to BPSK, other institutions such as the Financial Services Sector Alternative Dispute Resolution Institution (LAPS SJK) also play an important role in out-of-court dispute resolution.

2. Consumer Dispute Settlement Body (BPSK)

BPSK is an institution tasked with handling and resolving consumer disputes based on the Consumer Protection Law (UUPK). BPSK has the authority to adjudicate consumer disputes, although its decision needs to be ratified by the District Court. BPSK consists of three elements: the government, the Community Consumer Protection Organization (LPKSM), and entrepreneurs. BPSK can conduct dispute resolution through mediation, conciliation, and arbitration. BPSK also provides consumer protection consultation and supervises standardized clauses.

3. Alternative Dispute Resolution Institutions in the Financial Services Sector (LAPS SJK)

LAPS SJK are out-of-court dispute resolution institutions established by associations in the financial services sector. LAPS SJK provides dispute resolution mechanisms such as mediation, arbitration and binding opinions. LAPS SJK can be an alternative option for consumers who are not satisfied with dispute resolution by BPSK.

4. Strengthening Resolution Institutions

Strengthening BPSK can be done through improving the competence of members, providing adequate infrastructure, and improving coordination with related parties. It is also important to increase the role of the Financial Services Agency (LAPS) to provide more flexible and speedy dispute resolution options. Settlement of consumer disputes can be done through litigation (courts) or non-litigation (through dispute resolution institutions).

Consumer education and digital literacy are two very important things in today's digital era. Consumer education aims to empower consumers to better understand their rights, their obligations, and how to choose products or services that suit their needs and abilities. Meanwhile, digital literacy is the ability to use digital technology effectively and safely, including the ability to access, understand, evaluate and create information through digital technology.

1. Consumer Education:

a. Understanding Consumer Rights

Consumer education helps consumers to know their rights as consumers, such as the right to honest information, the right to choose, the right to be protected from harmful products or services, and the right to be compensated if there is damage or loss due to the product or service.

b. Understanding Consumer Liability

Consumer education also teaches consumers about their obligations, such as the obligation to pay for products or services according to the agreed price, the obligation not to take actions that harm other consumers, and the obligation to follow applicable rules and regulations.

2. Digital Literacy:

a. Ability to Use Digital Technology

Digital literacy includes the ability to use various digital technology devices, such as computers, smartphones, tablets and other devices. It also includes the ability to access the internet, use apps, and utilize the various features offered by digital technology.

b. Critical Thinking Ability

Digital literacy also promotes critical thinking, which is the ability to evaluate information received, distinguish between facts and opinions, and avoid false or misleading information.

The government acts as the main regulator, facilitator and enabler. Ministries and government-related institutions prepare a variety of digital literacy training programs, MSME assistance, and online business licensing and legality facilitation. In addition, the government also makes rules that support digital transaction security, consumer protection, personal data protection, and calculation of tax facilities for businesses switching to digital platforms. Local governments should also play a role in helping regional MSMEs enter the digital market by increasing business incubation, product curation, and regional promotion.

E-commerce platforms such as Shopee, Tokopedia, Bukalapak are major players as digital infrastructure providers that allow businesses to interact with consumers widely, not hindered by geographical limitations. This platform is not only a transaction platform, but also provides support in the form of marketing features, buyer loyalty programs, digital payment systems, integrated logistics, and seller academy. By maximizing these features, MSMEs can increase product visibility, operational efficiency, and of course revenue. Some pairs also collaborate directly with the government through programs such as MSME onboarding programs or local product shopping festivals.

The community has two important roles, namely as a business actor and as a consumer. As a business actor, the community is required to be adaptive to technological developments, improve product quality, and understand digital market behavior. Creativity and innovation in utilizing social media, digital technology, and maintaining quality and service are the keys to competitiveness. As consumers, people support the e-commerce ecosystem by buying local products, providing reviews, and spreading positive information that strengthens the image of local businesses on digital platforms. Public awareness to choose domestic products also encourages MSMEs to develop and increase their production capacity.

The synergy built from the collaboration of these three parties has a positive impact on economic growth, increased financial inclusion, and equitable development. Challenges such as limited access to technology, low digital literacy, and regional inequality can be overcome if all three work together. In the long run, this collaboration not only encourages post-pandemic economic recovery, but also prepares a solid foundation for Indonesia to face global competition in the digital era. While these collaborative efforts between the government, e-commerce

platforms, and the community demonstrate positive progress, their effectiveness remains constrained by weak law enforcement, uneven digital literacy, and limited institutional capacity. From the standpoint of legal effectiveness theory, these limitations suggest that the implementation aspect of consumer protection laws has not yet achieved optimal balance between regulation and enforcement. Strengthening institutional coordination and continuous monitoring is therefore crucial to ensure sustainable consumer protection in Indonesia's e-commerce ecosystem.

#### 4. Conclusion

Legal protection of consumers in e-commerce transactions in Indonesia has a strong regulatory basis through Law No. 8/1999 on Consumer Protection, ITE Law, and Government Regulation No. 80/2019 on Trading Through Electronic Systems. These regulations regulate the rights and obligations of consumers and business actors, including provisions on data security, product information, and dispute resolution. However, implementation in the field still encounters a number of challenges, such as weak law enforcement, lack of supervision of digital business actors, and low digital literacy among the public. Risks such as fraud, unsuitable products, data leakage, and unilateral transaction cancellation still occur frequently and harm consumers.

To overcome this, a more adaptive protection strategy is needed, including strengthening regulations, consumer education, increasing the capacity of dispute resolution institutions, and developing an easily accessible reporting and complaints system. In addition, active collaboration between the government, e-commerce platforms, businesses, and the public is key in creating a safe, transparent, and equitable digital trade ecosystem. This collaboration is also important to encourage business actors' compliance with regulations and build consumer confidence in online transactions.

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