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A LEGAL FRAMEWORK FOR THE PROTECTION OF CONSUMER RIGHTS IN E-COMMERCE TRANSACTIONS

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Abstract
Consumer protection in e-commerce transactions has become an essential issue in Indonesia, with the rapid growth of digital commerce creating both opportunities and risks for consumers. The urgency of this topic stems from the challenges consumers face in exercising their rights within the digital marketplace, where laws like the Consumer Protection Law and the ITE Law often fail to ensure effective legal protection. This research aims to explore the factors that influence the effectiveness of these legal protections in e-commerce transactions and to propose recommendations for improving the legal framework. The research method used is a qualitative approach with a case study method. Data were collected through in-depth interviews, field observations, and document analysis. The study examines the implementation of consumer protection laws in the context of large and small e-commerce platforms in Indonesia. The findings of the study indicate that while legal frameworks exist, enforcement remains inconsistent, with varying levels of compliance across platforms. The research recommends strengthening the legal structure by improving consumer education, enhancing dispute resolution mechanisms, and ensuring stricter enforcement to protect consumer rights more effectively in the growing digital market.
Keywords: Consumer Protection, E-commerce, Legal Framework, Indonesia, Consumer Rights.

A. INTRODUCTION

The digital transformation of commerce has reshaped the foundational dynamics of consumer transactions in Indonesia. With the rapid adoption of e-commerce platforms, consumers now engage in purchasing activities that transcend traditional boundaries of time, space, and physical interaction. While these innovations offer convenience and expanded market access, they also introduce complex legal challenges—particularly concerning the protection of consumer rights in the digital sphere. The asymmetry of information, the absence of direct seller-buyer encounters, and the vulnerabilities in digital payment systems underscore a pressing need for comprehensive legal safeguards (Widiarty & Saragih, 2024; Prasetyo et al., 2020). These issues become increasingly critical as online commerce shifts from being an alternative to becoming a dominant mode of trade in Indonesia's national economy.

Indonesia's legal system, as mandated by Article 33 of the 1945 Constitution, emphasizes the need for a just and prosperous society through national economic development. This foundational principle mandates the state to ensure that all economic actors, including consumers, are afforded fair treatment and protection under the law. However, the exponential

growth of digital trade has outpaced the responsiveness of regulatory frameworks, exposing consumers to heightened legal uncertainties. Although the enactment of Law No. 8 of 1999 on Consumer Protection and Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) marked a significant step in codifying digital rights, inconsistencies in enforcement and a lack of consumer legal literacy remain significant barriers to effective protection (Miru & Yodo, 2004; Widiarty, 2022).

Previous legal studies on consumer protection in Indonesia have generally emphasized the doctrinal interpretation of statutory provisions without addressing the unique risks posed by digital platforms. For instance, Shofie (2011) highlighted the legal imbalance between business actors and consumers, particularly in transactions where digital consent and transparency are questionable. Similarly, Nasution (2011) argued that consumer protection law tends to be reactive and fragmented, often failing to account for the speed and complexity of e-commerce environments. However, few studies have critically examined the dual role of the Consumer Protection Law and the ITE Law as complementary instruments in ensuring digital justice for consumers. This research seeks to bridge that gap by analyzing how these laws function in practice and identifying the systemic inhibitors that prevent full realization of consumer rights in the e-commerce domain.

This study offers a novel contribution by positioning the intersection of consumer protection and e-commerce not merely as a regulatory issue but as a structural challenge within Indonesia's legal system. Unlike prior research that treated the Consumer Protection Law and the ITE Law in isolation, this study critically examines the synergy—and the friction—between these two legal instruments in addressing contemporary digital transaction risks. By employing Lawrence Friedman's legal system theory and Rawls' theory of justice, the research goes beyond normative analysis and ventures into the structural and philosophical dimensions of legal protection. This integrative approach is rarely explored in current Indonesian legal literature, making this study significant in advancing the discourse on digital consumer rights (Friedman, 1975; Rawls, 1999).

The urgency of this research lies in the increasing asymmetry of power and information between consumers and digital business actors, exacerbated by the state's limited enforcement capacity. While the legal instruments are formally in place, the absence of robust institutional mechanisms, low public legal awareness, and inadequate digital literacy continue to undermine consumer protection in e-commerce (Widiarty, 2022; Wijaya, 2022). The consequences are tangible: consumers face barriers in seeking legal remedies, encounter unclear accountability from online platforms, and often accept terms of service without informed consent. In this context, examining the systemic and structural impediments to consumer justice becomes not only timely but necessary to ensure that legal protection evolves in parallel with digital market practices.

Accordingly, this study aims to examine the enabling and inhibiting factors that influence the effectiveness of legal protection for consumer rights in Indonesia's e-commerce transactions. It specifically evaluates how the Consumer Protection Law and the ITE Law are interpreted and enforced in practice, with emphasis on their interaction in addressing online transactional risks. The research seeks to contribute theoretically by enriching legal discourse on digital consumer protection through the application of legal system theory and justice theory. Practically, the study is expected to offer strategic insights for policymakers, legal practitioners, and digital business platforms in formulating responsive legal mechanisms that are adaptive to the evolving nature of digital commerce (Shidarta, 2014; Marzuki, 2017).

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In light of Indonesia's rapidly expanding digital economy, the proliferation of e-commerce platforms has introduced complex legal challenges that existing consumer protection frameworks struggle to address. While the Consumer Protection Law (UUPK) and the Electronic Information and Transactions Law (UU ITE) provide foundational safeguards, they often fall short in effectively regulating cross-border transactions, ensuring data privacy, and resolving disputes in the digital marketplace. High-profile cases, such as the alleged anti-competitive practices by Shopee and Lazada, underscore the limitations of current regulatory mechanisms in curbing unfair business conduct and protecting consumer rights . Furthermore, the Indonesian government's decision to ban e-commerce transactions on social media platforms like TikTok Shop, aiming to protect small businesses from predatory pricing, highlights the need for adaptive legal responses to evolving digital commerce models . This study seeks to bridge the gap between existing legal provisions and the dynamic nature of e-commerce by analyzing the interplay between UUPK and UU ITE, assessing their effectiveness, and proposing strategic reforms. By integrating legal system theory and justice theory, the research aims to contribute to the development of a more responsive and equitable legal framework that aligns with the realities of Indonesia's digital economy.

B. LITERATURE REVIEW

The literature review critically examines the theoretical and conceptual foundations that underpin consumer protection in Indonesia's e-commerce environment, with an emphasis on applied theory rather than abstract definitions. It first situates the study within the framework of legal system theory (Friedman, 1975), which explicates how institutional structure, substantive rules, and legal culture interact to shape enforcement; then it considers justice theory (Rawls, 1971), highlighting principles of fairness and distributive justice in digital transactions. In addition, this review explores the specific contours of consumer protection in the digital age—encompassing rights to information, data privacy, transaction transparency, and dispute resolution mechanisms (Shidarta, 2014)—and draws on recent empirical analyses of e-commerce regulatory effectiveness (Puspitasari & Setjoatmadja, 2025). By mapping these theories directly onto the complexities of online marketplace practices, this section establishes a coherent

foundation for the research hypotheses and conceptual framework that will guide the subsequent analysis.

Lawrence M. Friedman's legal system theory (1975) asserts that the effectiveness of any legal regime depends on the dynamic interaction among three components: structure (institutions and enforcement mechanisms), substance (formal rules and binding norms), and legal culture (societal beliefs, attitudes, and practices toward the law). In the Indonesian e-commerce context, the structure includes bodies such as the National Consumer Protection Agency (BPKN), the Ministry of Communication and Informatics (Kominfo), and the Business Competition Supervisory Commission (KPPU), which jointly oversee unfair business practices and consumer data protection. However, inter-agency coordination is often hampered by jurisdictional limitations—especially when dealing with international platforms—and by a lack of technical resources to trace digital infractions (Friedman, 1975).

Regarding substance, Law No. 8 of 1999 on Consumer Protection (UUPK) and Law No. 11 of 2008 on Electronic Information and Transactions (UU ITE) guarantee consumers' rights to accurate information, transaction security, and dispute resolution. Nevertheless, overlapping clauses and ambiguous key terms—such as "correct, clear, and honest information"—complicate consistent application in the digital realm (Shidarta, 2014).

Finally, the prevailing legal culture in Indonesia reflects low digital literacy among consumers and a general tolerance for minor violations, which reduces public pressure for stricter enforcement. As e-commerce business models become more complex—featuring recommendation algorithms and dynamic pricing—there is an increasing need for a legal culture that empowers consumers to understand their rights and to report violations when they occur (Puspitasari & Setjoatmadja, 2025). Applying legal system theory in this study will reveal how weaknesses across structure, substance, and legal culture collectively shape the effectiveness of consumer protection in Indonesia's e-commerce transactions.

The theory of justice, most notably articulated by John Rawls (1971), provides a normative lens for assessing fairness in digital transactions, particularly in the context of asymmetrical relationships between consumers and large e-commerce platforms. Rawls' principles of justice as fairness—which emphasize equal basic liberties and the difference principle (inequalities must benefit the least advantaged)—offer a relevant framework for evaluating the distribution of rights, responsibilities, and remedies in online commercial interactions. Within Indonesia's digital marketplace, consumers often face structural disadvantages due to imbalances in information, bargaining power, and legal literacy, which result in limited access to redress mechanisms and weak protection against exploitative practices.

From this standpoint, justice theory informs the expectation that digital commercial environments should be designed to reduce inequality by ensuring transparency, consent, and equitable access to protection. Yet, the actual conditions in Indonesia reveal a justice gap: platforms such as Shopee and TikTok Shop have been accused of monopolistic behavior (Reuters, 2024a; 2024b), undermining market fairness and consumer autonomy. Furthermore, regulatory enforcement is uneven, and lower-income consumers—often the majority users of these platforms—are disproportionately affected by opaque data policies and algorithmic discrimination (AP News, 2023).

By applying Rawlsian principles to this context, the research seeks to examine whether existing legal frameworks and platform practices genuinely uphold fairness and equality, or instead perpetuate digital marginalization. The justice theory thus becomes a critical tool in

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evaluating whether consumer protection in e-commerce aligns with normative ideals of fairness in a democratic legal system.

To build a coherent analytical framework, this study employs several key legal and policy concepts that are central to understanding the dynamics of consumer protection in e-commerce. The term consumer refers to any individual who acquires goods or services for personal use and not for commercial resale, as stipulated in Indonesia's Law No. 8 of 1999 on Consumer Protection (UUPK). In the digital context, this definition expands to include users of online platforms who engage in transactions through digital interfaces, mobile apps, and cross-border e-marketplaces. Meanwhile, e-commerce is defined as the buying and selling of goods or services using electronic systems, particularly the internet, which introduces new complexities regarding jurisdiction, data privacy, and dispute resolution.

The concept of legal protection in this study includes both preventive and repressive mechanisms aimed at safeguarding consumer rights. Preventive protection includes clear information disclosures, transparent terms of service, and platform accountability, while repressive protection encompasses the right to redress, regulatory sanctions, and dispute settlement. The application of these protections is governed by a legal pluralism involving the UUPK, the Information and Electronic Transactions Law (ITE Law), Government Regulation No. 80/2019 on Trade Through Electronic Systems (PP PMSE), and sectoral regulations issued by ministries and agencies such as the Ministry of Trade, Kominfo, and the Financial Services Authority (OJK).

A crucial element in this framework is platform liability, which refers to the extent to which digital platforms can be held accountable for the actions of third-party sellers or for algorithmic decisions that affect consumers. This remains a grey area in Indonesian law, where regulations often lag behind innovations. Moreover, fair competition is a key legal norm, especially in light of recent investigations by the KPPU into alleged monopolistic practices by Shopee and Lazada (Reuters, 2024c; 2024d; 2024e). These cases illustrate the tension between platform dominance and consumer welfare, making legal interpretation and enforcement a pivotal concern for this research.

Building upon the integration of legal system theory and justice theory, this study formulates a conceptual framework that situates consumer protection in Indonesia's e-commerce ecosystem as a function of both regulatory performance and normative fairness. This framework enables the examination of how institutional design (structure), legal norms (substance), and public perception (legal culture) interact with issues of distributive justice—particularly access to redress, platform accountability, and data protection. It positions e-commerce not merely as a commercial domain but as a legal field where power asymmetries must be balanced through responsive regulation and ethical digital governance.

At the operational level, this framework guides the analysis toward two primary dimensions: regulatory effectiveness and equity in digital consumer rights. The first assesses how well legal instruments such as the UUPK, ITE Law, and derivative regulations prevent harm, resolve disputes, and deter unfair practices. The second investigates whether enforcement outcomes uphold fairness, especially for vulnerable consumers who may lack digital literacy, economic leverage, or access to legal recourse. This is particularly urgent in light of recent policy developments, including the ban on TikTok Shop's direct e-commerce integration (AP News, 2023), and allegations of anti-competitive behavior by Shopee and Lazada (Reuters, 2024a–e), which underscore both legal and ethical challenges in Indonesia's digital economy.

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The research adopts a qualitative legal approach supported by doctrinal and socio-legal analysis, allowing the framework to trace the normative aspirations of the law against its implementation in practice. In doing so, it aims to identify regulatory gaps, assess the alignment between legal instruments and justice principles, and propose adaptive reforms that can enhance consumer trust and institutional accountability in the e-commerce sector.

C. RESEARCH METHODOLOGY

This study employs a qualitative research approach, which is particularly suited to exploring the nuanced dynamics of legal protection for consumers in Indonesia's e-commerce transactions (Creswell, 2014). A qualitative approach allows for an in-depth understanding of how legal instruments are applied in practice and how various stakeholders interpret and enforce consumer protection laws. The research design adopted is descriptive-analytical, aiming to describe the existing state of consumer protection in digital transactions and analyze the legal frameworks' effectiveness (Babbie, 2013). By utilizing a case study method, the research focuses on the implementation of the Consumer Protection Law (UUPK) and the Information and Electronic Transactions Law (ITE Law) in the context of e-commerce platforms in Indonesia (Yin, 2014).

The data for this study are drawn from both primary and secondary sources. Primary data are obtained through in-depth interviews with key informants, including legal experts, e-commerce platform representatives, and consumer rights advocates (Kvale, 2007). These interviews provide direct insights into the practical challenges and experiences related to legal protection in digital commerce. Secondary data include legal documents, such as laws, regulations, and government publications, as well as reports from regulatory bodies like the Ministry of Trade and Kominfo (Marzuki, 2017). Additionally, academic literature and case studies on e-commerce regulation and consumer protection are analyzed to provide a comprehensive understanding of the issue (Shidarta, 2014). Data collection is carried out using purposive sampling, where informants are selected based on their expertise and relevance to the research topic (Patton, 2002). The primary technique for data collection is semi-structured interviews, which allow flexibility in exploring different aspects of consumer protection in the digital marketplace (Berg, 2009).

The main research instruments used in this study are semi-structured interview guides and document analysis frameworks (Kvale, 2007). The interview guides are designed to probe key issues related to the enforcement of consumer protection laws, platform accountability, and regulatory gaps in the e-commerce sector. Data analysis is conducted using thematic analysis, where patterns and themes related to the effectiveness of legal frameworks are identified from the interview transcripts and legal documents (Braun & Clarke, 2006). This analysis is further supported by content analysis, especially of legal texts and regulatory reports, to examine how consumer protection laws are framed and implemented (Krippendorff, 2018). To ensure the validity and reliability of the data, triangulation is employed, cross-referencing information from interviews with secondary data sources to confirm the consistency and accuracy of findings (Denzin, 1978). The analysis process is iterative, allowing for continuous refinement of themes and insights as the research progresses.

D. RESULT AND DISCUSSION

Understanding and Implementation of Consumer Protection Laws in E-Commerce

Consumer protection in Indonesia is primarily governed by two key legal frameworks: the Consumer Protection Law (UUPK) and the Information and Electronic Transactions Law (ITE Law). The UUPK, enacted in 1999, provides the foundation for protecting consumer rights in all

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types of transactions, both offline and online. This law emphasizes the obligation of business actors to provide clear and truthful information, as well as ensuring the safety and quality of goods and services offered. Meanwhile, the ITE Law, focused more on electronic transactions, includes provisions that support consumer protection in the digital realm, such as measures against online fraud, personal data protection, and the responsibilities of e-commerce platforms for content sold on their sites (Shidarta, 2014).

In practice, these two laws interact to offer comprehensive consumer protection in the e-commerce sector. The UUPK addresses basic consumer rights, such as the right to clear and accurate information about products and services, as well as the right to compensation or dispute resolution in the case of harm. The ITE Law, on the other hand, provides a more technical legal framework related to digital transactions, covering issues like cybercrime, data security, and platform responsibility (Marzuki, 2017).

However, despite these strong legal foundations, the implementation of these laws in e-commerce is often hindered by several factors. One key finding of this research is the inconsistency in the application of these laws by e-commerce actors, both large and small. Large platforms like Tokopedia and Bukalapak, although they have policies that refer to these regulations, sometimes fail to consistently apply the principles of the UUPK in every transaction. Meanwhile, smaller platforms often struggle to meet the standards set by both regulations due to limited resources and legal knowledge (Shidarta, 2014).

Despite the presence of strong legal frameworks, the enforcement of consumer protection laws in Indonesia's e-commerce sector faces several significant challenges. One of the main issues is the lack of awareness and understanding among both consumers and business actors regarding their rights and obligations under the existing laws. Many consumers are unaware of their rights to complaint mechanisms, compensation, and product safety guarantees, especially in the online shopping environment, where transactions are often anonymous or impersonal (Sutanto, 2020). This gap in knowledge can lead to exploitation by fraudulent sellers or platforms, particularly in an ecosystem that has rapidly grown with little regulation and oversight.

Furthermore, the rapid pace of technological development in e-commerce has outpaced the capacity of regulatory bodies to effectively monitor and enforce the laws. The lack of a unified and systematic approach to enforcing consumer protection rules across all e-commerce platforms often leads to discrepancies in the application of the law. Larger e-commerce platforms may have the resources to implement compliance measures, but smaller platforms or individual sellers are less likely to adhere to the same standards. This inconsistency in enforcement creates a significant challenge in ensuring uniform protection for consumers across the sector (Syarif, 2023). Moreover, the issue is compounded by the difficulty in resolving cross-border disputes in a globalized digital market, where foreign e-commerce platforms and international transactions complicate the enforcement of national regulations.

The government's role in supporting the enforcement of consumer protection laws in e-commerce remains crucial but remains underdeveloped. While there have been efforts to introduce regulations, such as the Ministry of Trade's regulations on e-commerce activities, these rules are often not adequately enforced due to resource limitations and the complexity of the digital marketplace. Therefore, improving the regulatory framework and increasing consumer awareness of their legal rights are essential steps to creating a safer and more accountable e-commerce environment in Indonesia (Marzuki, 2017).

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The effective implementation of consumer protection laws has a profound impact on consumer trust, which in turn influences the growth and sustainability of the e-commerce sector in Indonesia. Trust is one of the most significant factors affecting online consumer behavior, as online transactions inherently carry risks such as fraud, product misrepresentation, and delivery issues. Studies have shown that when consumers believe their rights are protected and they have access to effective dispute resolution mechanisms, they are more likely to engage in online shopping and make repeat purchases (Keller, 2021). Therefore, robust legal protection for consumers fosters a positive shopping experience, leading to increased consumer confidence in e-commerce platforms.

However, the lack of consistent enforcement of consumer protection laws can undermine this trust. Research indicates that consumers often hesitate to shop online if they perceive the legal system as ineffective or if they are unfamiliar with the legal protections available to them (Barton, 2022). This hesitancy can stifle the growth of the e-commerce sector, especially in emerging markets like Indonesia, where digital literacy and consumer protection awareness are still developing. If e-commerce platforms fail to ensure that their consumers' rights are upheld, they risk damaging their reputation and alienating potential customers. Consequently, improving the enforcement of consumer protection laws is not only crucial for safeguarding consumer rights but also for fostering the long-term growth of e-commerce businesses in Indonesia.

Moreover, consumer protection laws, when effectively enforced, can also serve as a competitive advantage for e-commerce platforms. By demonstrating a commitment to consumer welfare and rights, platforms can differentiate themselves in a crowded market and attract a loyal customer base. As e-commerce continues to grow in Indonesia, platforms that prioritize consumer protection may experience sustained success and contribute to a more secure and trustworthy digital marketplace (Shidarta, 2014; Sutanto, 2020).

The Role of E-Commerce Platforms in Upholding Consumer Protection

E-commerce platforms play a central role in upholding consumer protection laws, as they serve as intermediaries between consumers and sellers. According to Indonesian regulations, these platforms are legally responsible for ensuring that both sellers and buyers comply with the rules outlined in the Consumer Protection Law (UUPK) and the ITE Law. This responsibility includes monitoring product listings, ensuring that descriptions are truthful, and addressing disputes between consumers and sellers. Additionally, platforms are obligated to implement systems for reporting fraudulent activity and must take appropriate action when violations occur. The challenge for platforms is to balance these responsibilities with maintaining a competitive and user-friendly environment for sellers, who may resist regulatory interventions that might impact their business practices (Marzuki, 2017).

In the Indonesian context, the application of these legal obligations often faces significant hurdles. While large e-commerce giants like Tokopedia and Shopee have developed sophisticated systems to monitor transactions and protect consumers, smaller platforms often lack the resources to implement similar safeguards effectively. This disparity in compliance creates a significant gap in the level of protection consumers receive, depending on the platform they use. E-commerce platforms must not only adhere to national laws but also respond to international pressures, especially in an increasingly globalized digital economy. Their ability to safeguard consumers' rights can significantly affect consumer trust and the reputation of the platforms themselves (Shidarta, 2014).

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Furthermore, platforms are also required to cooperate with government authorities to ensure that consumer protection laws are effectively enforced. This collaboration can include sharing data related to fraud or unfair practices and complying with government investigations into alleged violations. However, the legal complexity and the rapid growth of the sector present ongoing challenges to regulators, especially in addressing cross-border issues, such as products and services offered by international sellers. These challenges demand that e-commerce platforms continuously adapt their internal policies and legal strategies to stay compliant with evolving consumer protection laws (Barton, 2022).

To ensure consumer protection in the e-commerce environment, platforms must adopt a proactive approach that goes beyond simply adhering to legal requirements. One of the key practices is the implementation of robust consumer protection policies that include transparent refund and return policies, reliable payment systems, and efficient dispute resolution mechanisms. E-commerce platforms should also provide clear and accessible information about consumer rights, such as the right to product returns or the right to a full refund in cases of fraud or misrepresentation. Platforms like Tokopedia and Bukalapak have taken steps in this direction by establishing comprehensive guidelines for sellers regarding product quality, delivery standards, and customer service, helping consumers make informed decisions and feel secure during transactions (Syarif, 2023).

Furthermore, platforms can enhance consumer trust by investing in advanced technologies, such as artificial intelligence (AI) and machine learning, to monitor transactions in real-time and identify potential fraud or unethical practices. For instance, algorithms can detect suspicious activity, such as unusually high returns or negative reviews, allowing platforms to take prompt action to protect consumers and ensure the integrity of the marketplace. Platforms should also prioritize the protection of sensitive consumer data by employing encryption and other security measures to prevent data breaches, which have become increasingly common in the digital age (Sutanto, 2020).

Additionally, collaborations between e-commerce platforms and third-party consumer protection organizations, such as consumer rights advocacy groups, can further strengthen consumer trust. By partnering with these organizations, platforms can demonstrate their commitment to consumer welfare and work towards improving industry standards. These partnerships can also help identify emerging consumer protection issues, such as the rise of counterfeit products or misleading advertisements, allowing platforms to address these concerns proactively. In turn, a commitment to consumer welfare not only builds trust but can also lead to a competitive advantage in the market, as consumers are more likely to return to platforms that prioritize their protection and satisfaction (Marzuki, 2017).

The failure of e-commerce platforms to adequately uphold consumer protection standards can have serious consequences, both for the consumers and the platforms themselves. For consumers, the lack of protection leads to increased risks of fraud, loss of trust, and diminished confidence in the e-commerce environment. When consumer rights are not effectively safeguarded, it creates a climate of uncertainty that deters potential shoppers from engaging in online transactions. For instance, incidents of misleading product descriptions or unfulfilled delivery promises can cause consumers to become distrustful of digital marketplaces, ultimately stifling the growth of e-commerce (Keller, 2021). Furthermore, the prevalence of fraudulent activities, such as the sale of counterfeit products, can lead to significant harm to consumers and pose broader public health risks.

From the perspective of e-commerce platforms, non-compliance with consumer protection laws can result in severe legal and financial consequences. Indonesian regulators, such as the Ministry of Trade and the Indonesian Consumer Protection Foundation (YLKI), have the authority to impose fines, suspend operations, or even revoke the licenses of platforms that fail to protect consumer rights. For example, recent regulatory actions against Shopee and other e-commerce platforms, including investigations into anti-competitive practices, highlight the increasing pressure on platforms to comply with both national and international laws. Failure to comply with these regulations can lead to reputational damage, loss of market share, and legal penalties that may significantly harm a platform's long-term profitability and consumer base (Reuters, 2024).

The importance of regulatory oversight cannot be overstated. Effective regulation ensures that e-commerce platforms not only comply with the law but also actively contribute to the protection of consumers. This includes monitoring and enforcing regulations that address deceptive practices, fraudulent transactions, and violations of consumer privacy. Regulatory bodies must also stay ahead of emerging trends in digital commerce, such as the rise of cross-border transactions and the increasing use of artificial intelligence in online retail. By maintaining a strong regulatory framework, Indonesia can foster a secure e-commerce environment that benefits both consumers and businesses, ensuring the sustainability and growth of the digital marketplace (Shidarta, 2014; Sutanto, 2020).

The Impact of Consumer Protection Laws on E-Commerce Transactions

The legal framework for consumer protection in e-commerce transactions in Indonesia is primarily governed by the Consumer Protection Law (UUPK) and the Information and Electronic Transactions Law (ITE Law). These laws aim to protect consumers from unfair practices, fraud, and exploitation in digital marketplaces, thereby promoting a safe and secure online shopping environment. The UUPK, enacted in 1999, provides a comprehensive set of guidelines for businesses regarding product quality, consumer rights, and dispute resolution mechanisms. Meanwhile, the ITE Law, introduced in 2008, addresses issues related to electronic contracts, digital transactions, and online fraud. Together, these laws form the backbone of consumer protection in Indonesia's e-commerce sector, creating a legal framework that holds both businesses and e-commerce platforms accountable for ensuring consumer safety (Shidarta, 2014).

While these laws have played a crucial role in laying the groundwork for consumer protection, their application in the context of e-commerce is still evolving. The rapid growth of digital commerce and the emergence of new forms of online transactions present significant challenges for regulators. For instance, issues related to cross-border e-commerce, where transactions occur between buyers and sellers from different countries, require a global approach to ensure effective enforcement of consumer protection laws. In addition, the increasing sophistication of digital fraud, such as identity theft and online scams, necessitates constant updates to legal provisions to keep pace with technological advancements (Barton, 2022). Despite these challenges, the existing legal framework provides a strong foundation for protecting consumers and has led to the establishment of various regulatory mechanisms, such as mandatory product return policies, transparency in product advertising, and the regulation of online payment systems (Marzuki, 2017).

However, enforcement remains a significant issue. While many platforms claim to comply with the law, challenges such as inconsistent implementation of regulations and insufficient

monitoring mechanisms hinder the overall effectiveness of these legal protections. For example, in some cases, platforms may not provide adequate remedies for consumers facing issues with fraudulent sellers or substandard products. Moreover, regulatory bodies may struggle with resource constraints or lack the technical expertise needed to address the complexities of e-commerce fraud, which often involves digital technologies that are difficult to trace (Keller, 2021). Therefore, there is a pressing need for more robust enforcement mechanisms to ensure that the legal framework provides tangible benefits to consumers and fosters a trustworthy e-commerce environment.

While the Consumer Protection Law and the ITE Law serve as essential tools for safeguarding consumer rights, their enforcement within the rapidly evolving digital marketplace remains a significant challenge. One of the key issues lies in the lack of clear and comprehensive regulations specifically designed for the unique characteristics of e-commerce. For instance, the Consumer Protection Law, while extensive in its coverage, primarily focuses on traditional consumer transactions and does not fully address the complexities of online shopping, such as digital product descriptions, virtual goods, and cross-border trade. This regulatory gap leaves room for ambiguity in how the law should be applied to digital transactions, leading to inconsistencies in its enforcement (Shidarta, 2014).

Moreover, while the ITE Law addresses several aspects of electronic transactions, including online fraud, cybercrime, and digital contracts, its broad application often results in challenges when it comes to specific cases involving e-commerce platforms. For example, the law is often applied inconsistently across different platforms, leading to discrepancies in how consumer disputes are resolved or how issues related to online scams are handled. The recent case involving Shopee, where the platform faced accusations of anti-competitive practices and failure to comply with consumer protection regulations, illustrates how such enforcement issues can lead to significant public backlash and erode trust in digital marketplaces (Reuters, 2024). Additionally, the complexity of digital contracts and the anonymous nature of online transactions make it more difficult to trace and resolve consumer complaints, further complicating the enforcement process.

Another challenge is the limited resources and capacity of regulatory bodies to monitor and enforce these laws effectively. Despite the growing number of e-commerce transactions in Indonesia, regulatory bodies such as the Ministry of Trade and YLKI face significant challenges in keeping up with the volume of complaints and disputes, often resulting in delayed or inadequate responses. The sheer scale of e-commerce transactions, combined with the rapid pace of technological advancements, means that regulators must constantly adapt their methods of monitoring and enforcement. For example, while regulators have made strides in addressing online scams and fake reviews, issues such as the protection of consumer data and the prevention of counterfeit goods continue to present significant hurdles. To address these challenges, there is a need for a more dynamic regulatory framework that can respond quickly to emerging threats and technological developments (Sutanto, 2020).

The Role of E-Commerce Platforms in Consumer Protection

E-commerce platforms play a crucial role in ensuring consumer protection by providing a safe, transparent, and efficient environment for online transactions. As intermediaries between buyers and sellers, platforms are in a unique position to facilitate and enforce consumer protection measures. One of their primary responsibilities is to ensure that all sellers comply with applicable consumer protection laws, including providing accurate product information,

honoring return policies, and safeguarding consumer data. Major platforms such as Tokopedia, Bukalapak, and Shopee are required to implement robust systems for product quality checks, payment security, and dispute resolution to create a trustworthy environment for users (Keller, 2021). These platforms must act as gatekeepers, ensuring that both buyers and sellers adhere to established rules that protect the rights of consumers.

Furthermore, e-commerce platforms are responsible for providing accessible mechanisms for consumers to report issues, such as fraudulent listings, defective products, or violations of consumer rights. These mechanisms are critical in preventing abuse and resolving conflicts swiftly. For example, Shopee has introduced a "Buyer Protection" program that guarantees consumers a refund for undelivered or defective products, thereby fostering trust in the platform (Sutanto, 2020). This program not only enhances consumer confidence but also establishes the platform as a responsible player in the e-commerce ecosystem, helping mitigate risks that could otherwise lead to a negative consumer experience. As digital commerce continues to grow, the role of platforms in ensuring compliance with consumer protection standards will only become more significant.

Moreover, e-commerce platforms must stay ahead of emerging challenges, such as the rise of counterfeit goods and the exploitation of consumers through fake reviews or misleading advertising. In response to these challenges, platforms are increasingly using technology, such as artificial intelligence and machine learning, to detect fraudulent activities and provide real-time solutions. For instance, platforms are adopting AI-based systems to monitor the authenticity of products listed for sale and identify fraudulent sellers before they can harm consumers. These technological innovations enhance the ability of platforms to identify and mitigate risks proactively, ensuring that consumer protection remains a top priority (Barton, 2022).

Despite their crucial role in ensuring consumer protection, e-commerce platforms face significant challenges in effectively implementing and enforcing protection mechanisms. One of the primary obstacles is the sheer volume and diversity of transactions that take place on these platforms daily. With millions of listings, countless transactions, and numerous sellers across various regions, platforms often struggle to monitor each product and transaction thoroughly. This overwhelming scale can lead to lapses in enforcement, with some harmful or fraudulent activities slipping through the cracks. For example, issues such as counterfeit goods, substandard products, or misleading product descriptions may persist on platforms due to the difficulty in monitoring all listings in real time (Sutanto, 2020).

Another significant challenge is the anonymity that e-commerce platforms offer, which makes it difficult to trace fraudulent sellers or prosecute bad actors. The ease of setting up anonymous accounts or fake profiles enables dishonest sellers to operate with relative impunity, complicating efforts to enforce consumer protection laws effectively. While platforms may implement systems for reviewing sellers and products, these measures are not always foolproof. For instance, some platforms may rely on user-generated ratings and reviews to assess the reliability of sellers, but these can be manipulated or artificially inflated by unscrupulous sellers (Keller, 2021). As a result, consumers may unknowingly purchase counterfeit or substandard goods, which undermines their trust in the platform and the broader e-commerce ecosystem.

Moreover, e-commerce platforms often face difficulties in dealing with cross-border transactions. Given that many consumers purchase products from international sellers, the platforms must navigate varying regulations and consumer protection standards in different countries. This creates complexity in ensuring that all sellers, whether domestic or international,

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comply with Indonesian consumer protection laws. For instance, some foreign sellers may not be aware of or may deliberately disregard Indonesian laws, leading to issues such as delayed deliveries, substandard products, or disputes that are difficult to resolve due to jurisdictional challenges (Barton, 2022). In such cases, e-commerce platforms must find ways to bridge the gap between local and international regulations, ensuring that consumers are protected regardless of the seller's location.

To address the challenges faced by e-commerce platforms in ensuring consumer protection, several strategies can be implemented to enhance their capacity for monitoring, enforcement, and consumer support. First, platforms should invest in advanced technology, such as artificial intelligence (AI) and machine learning (ML), to automate the detection of fraudulent activities and ensure real-time monitoring of transactions. These technologies can significantly improve the efficiency of identifying counterfeit products, misleading advertisements, and fraudulent sellers. By using AI-powered systems, platforms can more accurately flag suspicious transactions and take immediate action, reducing the risk of harm to consumers (Shidarta, 2014).

Second, e-commerce platforms should adopt a more proactive approach to verifying the authenticity and quality of products sold on their websites. This could involve implementing stricter vetting processes for sellers, such as requiring proof of product certification or conducting random quality checks on products listed by new sellers. In addition to these vetting processes, platforms should also provide clear guidelines for sellers regarding their responsibilities under consumer protection laws. These measures would help prevent the sale of counterfeit goods and substandard products, ensuring that consumers are more likely to receive high-quality and reliable products (Keller, 2021).

Furthermore, platforms should enhance their consumer support mechanisms to ensure that consumers have easy access to assistance when issues arise. This includes offering multilingual support for a diverse consumer base, providing clear and easily accessible dispute resolution channels, and establishing dedicated teams to handle consumer complaints promptly. Platforms could also consider integrating third-party mediation services to resolve conflicts between consumers and sellers more effectively. This would increase consumer confidence in the platform and ensure that disputes are addressed fairly and efficiently (Sutanto, 2020).

Lastly, to address the complexities of cross-border transactions, e-commerce platforms could collaborate with international regulatory bodies and governments to standardize consumer protection laws across borders. By creating cross-border frameworks for consumer protection, platforms can ensure that sellers from different countries comply with the same regulations, providing consumers with consistent protection regardless of the origin of the product. Additionally, platforms should be transparent with consumers about the legal frameworks governing cross-border transactions and the steps they are taking to ensure compliance with these regulations (Reuters, 2024).

Legal Framework and Consumer Protection in E-Commerce

Indonesia has established a legal framework designed to protect consumers in the digital marketplace. The primary legislation governing consumer protection in e-commerce is the Consumer Protection Law (Law No. 8/1999), which guarantees the rights of consumers to be treated fairly in transactions. The law emphasizes the responsibility of businesses, including e-commerce platforms, to provide accurate information, deliver goods as promised, and resolve disputes fairly. However, as e-commerce has rapidly grown in Indonesia, the application of this

law to online transactions has posed challenges, particularly regarding the enforcement of provisions in a digital environment (Shidarta, 2014).

Alongside the Consumer Protection Law, the Information and Electronic Transactions Law (Law No. 11/2008, as amended by Law No. 19/2016) also plays a pivotal role in regulating online transactions in Indonesia. This law governs electronic contracts, digital signatures, and online fraud, offering legal recourse for consumers who are victims of cybercrimes or fraud. Despite the existence of these laws, there remains a gap in the enforcement and applicability of certain provisions, especially in relation to cross-border transactions and the activities of international sellers on local platforms. These gaps often lead to challenges in holding sellers accountable, especially when dealing with non-compliant or fraudulent actors based overseas (Marzuki, 2017). The complexities of applying these laws in the context of the global digital economy highlight the need for further legal developments and enforcement mechanisms tailored specifically to e-commerce.

Moreover, Indonesia's legal framework is currently undergoing a process of adaptation to keep pace with the evolving nature of e-commerce. In 2020, the government introduced the Omnibus Law on Job Creation (Law No. 11/2020), which includes provisions to streamline the regulatory environment for businesses, including those in the e-commerce sector. The Omnibus Law seeks to reduce bureaucratic hurdles, improve business practices, and provide clearer guidelines for consumer protection. Although it marks a significant step forward, the law's implementation is still in progress, and its impact on consumer protection remains to be fully realized (Reuters, 2024). This evolving legal landscape reflects the government's efforts to balance the growth of digital commerce with the need to safeguard consumer interests in an increasingly interconnected world.

Despite the presence of consumer protection laws, the legal framework for e-commerce transactions in Indonesia faces several significant challenges. One of the primary issues is the gap in regulations regarding cross-border e-commerce transactions. As Indonesian consumers increasingly purchase goods from international sellers, the complexities of enforcing domestic laws for transactions conducted outside the country become evident. Foreign sellers are often unaware of or non-compliant with Indonesian consumer protection laws, which leaves consumers vulnerable to issues such as non-delivery, substandard products, and scams. Moreover, when consumers encounter problems with these cross-border transactions, they often face difficulty seeking legal recourse due to jurisdictional challenges and the absence of international legal mechanisms to resolve disputes effectively (Keller, 2021).

Furthermore, the enforcement of consumer rights remains a major concern. While the Consumer Protection Law and the Information and Electronic Transactions Law provide broad protections, the lack of specific regulations or guidelines on issues such as product liability, dispute resolution, and product authenticity online creates ambiguity for consumers and e-commerce platforms alike. This has led to inconsistent enforcement, particularly in cases involving counterfeit goods or misleading advertising. E-commerce platforms, while often acting as intermediaries, may lack sufficient legal responsibility in addressing consumer grievances, as they are not always held accountable for the actions of third-party sellers on their platforms. This issue is compounded by the limited legal remedies available for consumers who fall victim to fraud or exploitation (Shidarta, 2014).

Additionally, the rapid pace of digital innovation and the emergence of new business models in e-commerce—such as social commerce and influencer marketing—have outpaced the legal

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framework's ability to adapt. New online sales practices, which may include product placements on social media or direct selling through influencers, are not sufficiently covered by existing laws, leading to consumer confusion and potential exploitation. As these new forms of digital commerce continue to grow, it becomes increasingly important for Indonesia's legal system to evolve and create clear regulations that address these innovations while ensuring robust consumer protections (Marzuki, 2017).

To address the gaps and challenges in Indonesia's legal framework for consumer protection in e-commerce, several key recommendations can be implemented. First, Indonesia should strengthen cross-border regulatory cooperation by engaging in international agreements or creating bilateral frameworks that address consumer protection in global e-commerce transactions. This could include formalizing agreements with major trading partners, particularly in Southeast Asia, to ensure that sellers from these countries comply with Indonesian consumer protection laws. By establishing clear rules for cross-border transactions, Indonesia could provide greater legal certainty to consumers and enable easier enforcement of their rights, even when dealing with international sellers (Shidarta, 2014).

Second, Indonesia should develop specific regulations for digital consumer protection that account for the complexities of e-commerce. While the existing Consumer Protection Law provides a broad framework, there is a need for more detailed rules regarding digital transactions, such as product guarantees, digital payment security, and consumer rights in the context of online advertising. These regulations could include requirements for platforms to vet sellers more thoroughly, disclose detailed product information, and establish clearer processes for resolving disputes. With the rapid growth of digital commerce, a modernized set of laws would help ensure that consumers are adequately protected in an increasingly digital marketplace (Keller, 2021).

Third, the government and relevant regulatory bodies could empower consumer protection agencies to take a more active role in monitoring e-commerce platforms. This includes enhancing the capacity of the National Consumer Protection Agency (BPKN) to investigate complaints, issue fines, and enforce regulations. With more resources and authority, BPKN could ensure that online platforms comply with consumer protection laws, penalizing those that fail to uphold consumer rights. Additionally, agencies should collaborate with private sector stakeholders, such as payment processors and tech companies, to create a more comprehensive monitoring system that can identify fraudulent activities in real-time (Marzuki, 2017).

Lastly, it is important to promote public awareness and education regarding consumer rights in e-commerce. Many consumers are unaware of their rights or the legal protections available to them in online transactions. By launching awareness campaigns, training programs, and providing accessible legal resources, Indonesia can empower consumers to make informed decisions and seek legal redress when necessary. Platforms could also take the initiative to provide educational content to buyers and sellers, ensuring they understand their rights and obligations under the law (Reuters, 2024).

E. CONCLUSION

This research aimed to examine the effectiveness of legal protection for consumer rights in Indonesia's e-commerce transactions, particularly focusing on the interpretation and enforcement of the Consumer Protection Law and the ITE Law. The study found that while both laws provide a foundational legal framework for consumer protection, their implementation in e-commerce is

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inconsistent and often insufficient. Key factors influencing this include the limited awareness of consumers regarding their rights, the varying degrees of legal compliance among e-commerce platforms, and the lack of effective oversight mechanisms.

The findings highlight that consumers, especially in the context of smaller platforms, often face challenges in accessing and enforcing their rights. This is compounded by a lack of transparency in the dispute resolution processes and the limited resources available to smaller e-commerce platforms to adequately address consumer complaints. Conversely, larger platforms tend to have more robust systems in place, but their implementation of consumer protection measures is still subject to inconsistent enforcement.

Moreover, the research also revealed the need for more comprehensive and specialized regulations tailored to the unique challenges of digital commerce. Recommendations for policy reform include strengthening the regulatory framework by incorporating clearer guidelines for e-commerce platforms, improving consumer education on their rights, and enhancing the enforcement mechanisms to ensure fair practices across the entire sector.

However, there are limitations to this study. The research primarily focused on large e-commerce platforms in Indonesia and may not fully capture the complexities within smaller platforms or international platforms operating in the country. Additionally, data limitations related to consumer experiences and platform-specific practices may have influenced the depth of the analysis.

In conclusion, while significant strides have been made in consumer protection laws in Indonesia, there is still a considerable gap between the legal framework and its real-world application in the digital marketplace. Further research and policy intervention are necessary to ensure that the legal protection for consumers in e-commerce is both effective and accessible.

REFERENCE

Babbie, E. (2013). The Practice of Social Research. Cengage Learning.

Berg, B. L. (2009). Qualitative Research Methods for the Social Sciences. Pearson.

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. Qualitative Research in Psychology, 3(2), 77-101.

Creswell, J. W. (2014). Research Design: Qualitative, Quantitative, and Mixed Methods Approaches. SAGE Publications.

Denzin, N. K. (1978). The Research Act: A Theoretical Introduction to Sociological Methods. Aldine Publishing.

Friedman, L. M. (1975). The Legal System: A Social Science Perspective. New York: Russell Sage Foundation.

Keller, 2021. (Sitasi ini muncul dalam narasi, namun detail referensi tidak ada dalam daftar pustaka Anda. Jika ingin konsisten, referensi ini harus dilengkapi atau dihapus dari naskah.)

Krippendorff, K. (2018). Content Analysis: An Introduction to Its Methodology. SAGE Publications.

Kvale, S. (2007). Doing Interviews. SAGE Publications.

Marzuki, P. M. (2017). Penelitian Hukum. Jakarta: Kencana Prenada Media.

Miru, A., & Yodo, S. (2004). Hukum Perlindungan Konsumen. Jakarta: RajaGrafindo Persada.

Nasution, A. (2011). Hukum Perlindungan Konsumen: Suatu Pengantar. Jakarta: Diadit Media.

Patton, M. Q. (2002). Qualitative Research & Evaluation Methods. SAGE Publications.

Puspitasari, D., & Setjoatmadja, S. (2025). Evaluating the Effectiveness of Consumer Protection Laws in Indonesia: A Case Study of E-Commerce. Jurnal Mediasas: Media Ilmu Syari'ah dan Ahwal Al-Syakhsiyyah, 8(1).

Rawls, J. (1999). A Theory of Justice (Revised ed.). Cambridge: Harvard University Press.

Shidarta. (2014). Hukum Perlindungan Konsumen Indonesia: Kajian Filosofis, Teoretis dan Praktis. Jakarta: Gramedia.

Shofie, Y. (2011). Perlindungan Konsumen dan Instrumen Hukumnya. Bandung: Citra Aditya Bakti.

Sutanto, 2020. (Sitasi ini muncul dalam narasi, namun detail referensi tidak tersedia dalam daftar pustaka Anda.)

Syarif, 2023. (Sitasi ini muncul dalam narasi, namun detail referensi tidak tersedia dalam daftar pustaka Anda.)

Wijaya, G. (2022). Hukum Perlindungan Konsumen Indonesia dalam Era Ekonomi Digital. Jakarta: Sinar Grafika.

Widiarty, W. S., & Saragih, R. V. (2024). Hukum Perlindungan Konsumen di Era Globalisasi. Yogyakarta: Publika Global Media.

Yin, R. K. (2014). Case Study Research: Design and Methods. SAGE Publications.

Undang-Undang Dasar 1945

Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen

Undang-Undang No. 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik

Undang-Undang No. 19 Tahun 2016 tentang Informasi Transaksi Elektronik (amandemen UU ITE)

Reuters. (2024, May 27). Indonesia probing Shopee, Lazada units for alleged competition rule breaches.

Reuters, 2024a; 2024b; 2024c; 2024d; 2024e. (Beberapa sitasi berita Reuters terkait Shopee, Lazada, anti-competition, dll. Jika ingin detail, bisa dirinci satu per satu sesuai daftar pustaka Anda.)

AP News. (2024, October 4). TikTok ends retail business in Indonesia after ban on social media shopping.

Prasetyo, A., Wati, I., & Martha, J. A. (2020). Digital Marketing. Malang: Edulitera.