

Legal Protection for Consumers in Online Buying and Selling Transactions in Indonesia

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Abstract

The development of information technology has driven the transformation of the trading system, including the rise of online buying and selling transactions. This phenomenon has given rise to various legal issues, especially related to consumer protection. This article aims to analyze the forms of legal protection available to consumers in online transactions in Indonesia and the effectiveness of its implementation. Using the normative legal method, this study examines relevant laws and regulations, such as the Consumer Protection Law (Law No. 8 of 1999), as well as other positive laws governing electronic transactions. The results of the study indicate that although legal instruments are available, their implementation still faces challenges, such as low consumer awareness of their rights and lack of law enforcement against online business actors who violate.

Keywords: legal protection, consumers, online transactions, online buying and selling, consumer protection law

Introduction

The digital era has brought a paradigm shift in almost all aspects of human life, including in economic and trade activities. One of the most prominent phenomena is the increasing use of digital platforms as a means of buying and selling goods and services, or what is known as e-commerce. Ease of access, time efficiency, and the variety of choices offered are the main attractions for consumers to switch from conventional trading systems to electronic trading systems.



However, behind these various advantages, there are serious challenges that must be faced, especially in terms of legal protection for consumers. Unlike conventional transactions that allow consumers to see and check the goods purchased directly, online transactions rely on consumer trust in the information provided by business actors through digital media. This opens up room for violations of consumer rights, such as goods that do not match the description, late delivery, to the risk of fraud and misuse of personal data.

Consumers in online transactions are often in a weak position, both in terms of information, negotiation skills, and access to legal justice in the event of a dispute. Therefore, the existence and effectiveness of a legal protection system are crucial to ensure that consumer rights remain protected amidst the rapid development of digital technology.

Indonesia actually has a number of legal instruments that regulate consumer protection, such as Law Number 8 of 1999 concerning Consumer Protection and Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments. However, the question is to what extent these regulations are able to answer the complexity of the problems that arise in online buying and selling transactions.

This article aims to examine the forms of legal protection available to consumers in online transactions in Indonesia, evaluate the effectiveness of the implementation of these regulations, and identify the obstacles faced in their implementation. Thus, it is hoped that this article can provide academic and practical contributions in order to strengthen the legal protection system for consumers in the digital era.

Research methods

This study uses a normative legal approach, namely an approach that emphasizes the study of applicable legal norms as a basis for analyzing consumer protection issues in online buying and selling transactions. This approach is considered relevant because the main focus of the study is to examine applicable legal regulations, both substantive and procedural, in guaranteeing consumer rights in the digital realm.

The main data sources in this study come from primary legal materials, namely laws and regulations governing consumer protection and electronic transactions, such as:

- Law Number 8 of 1999 concerning Consumer Protection,
- Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE) and its amendments through Law No. 19 of 2016,
- Regulation of the Minister of Trade of the Republic of Indonesia Number 50 of 2020 concerning Provisions for Business Licensing in Trading Through Electronic Systems.

In addition, secondary legal materials are also used, in the form of legal literature, scientific journals, previous research results, expert opinion articles, and official reports from consumer protection institutions such as BPKN and YLKI. These secondary legal materials are used to enrich the analysis, provide theoretical perspectives, and describe the empirical context of the application of consumer protection law in practice.

Data collection techniques are carried out through library research by reviewing and collecting legal documents and relevant publications obtained from official sources, both in print and digital form. Furthermore, the data is analyzed qualitatively, namely by describing, interpreting, and evaluating relevant legal norms, and linking them to social realities and practices in the field.

The analysis is carried out systematically by identifying the conformity between written legal norms and their implementation in the real world, including assessing the effectiveness, obstacles, and potential for developing consumer protection laws in dealing with the dynamics of digital transactions that continue to develop.

By using this normative legal approach, it is hoped that a comprehensive understanding can be obtained regarding the strengths and weaknesses of the consumer legal protection system in Indonesia, especially in the context of online buying and selling transactions.

Results and Discussion

1. Legal Instruments for Consumer Protection in Online Transactions

Legal protection for consumers in online buying and selling transactions in Indonesia has been legally accommodated in several sectoral and cross-sectoral regulations. Law Number 8 of 1999 concerning Consumer Protection is the main legal basis that guarantees consumer rights, such as the right to comfort, security, and safety in consuming goods and/or services, the right to choose, the right to correct information, and the right to obtain fair dispute resolution.

In the context of electronic transactions, Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE) and its amendments through Law No. 19 of 2016 provide a legal basis for the legality of electronic documents, the validity of electronic contracts, and sanctions against perpetrators of violations in the digital space. In addition, Regulation of the Minister of Trade No. 50 of 2020 stipulates more technical provisions regarding licensing and the responsibilities of business actors in the electronic trading system, such as the obligation to include identity, product information, and return mechanisms.

Although regulations are in place, not all online businesses consistently comply with these provisions. Most violations occur on marketplace platforms that bring together many individual sellers without strict quality control. In many cases, consumers do not have direct access to sellers in the event of a dispute, because transactions are conducted through anonymous digital intermediaries.

2. Challenges of Law Implementation

The implementation of legal protection for consumers in online transactions faces various structural and cultural challenges. First, from the consumer side, the low level of digital literacy and legal awareness causes many consumers to not understand the rights and complaint mechanisms available. Many of them choose to accept losses without taking legal action because they consider the process complicated and ineffective.

Second, there are obstacles in law enforcement caused by the cross-jurisdictional nature of online transactions. Many business actors are domiciled outside the jurisdiction of Indonesia, making it difficult to summon or enforce legal sanctions. In addition, many e-commerce

platforms do not actively facilitate the resolution of consumer disputes in a transparent and accountable manner.

Third, the limited resources and authority of the supervisory agency have led to weak supervision of e-commerce practices. For example, the Ministry of Trade and BPKN do not yet have a real-time monitoring system capable of quickly detecting violations on highly dynamic digital platforms.

3. The Role of Institutions and Efforts to Strengthen Protection

Several institutions have played a role in strengthening consumer protection in the digital realm, including the National Consumer Protection Agency (BPKN), the Indonesian Consumer Foundation (YLKI), and consumer complaint units established in various ministries and institutions. BPKN, for example, actively provides policy recommendations to the government and opens online consumer complaint channels.

However, these efforts are still reactive and have not fully answered the increasingly complex needs of consumers. Therefore, a more proactive and systematic approach is needed, including through:

- Strengthening technology-based regulatory systems such as regtech for monitoring online transactions,
- Massive and sustainable legal education and digital literacy,
- Establishment of a fast, inexpensive and easily accessible online dispute resolution (ODR) mechanism.

In addition, cooperation between the government, e-commerce industry players, and civil society organizations is crucial to forming an inclusive and equitable digital ecosystem for all parties, especially consumers.

Conclusion

Legal protection for consumers in online buying and selling transactions in Indonesia has been accommodated through various regulations. However, its effectiveness is not optimal because many consumers still do not understand their rights and there is weak supervision and law enforcement against online business actors. Increased consumer legal literacy, strengthening technical regulations, and cross-sector collaboration are needed to create a fair and safe e-commerce ecosystem.

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