IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.1 . No.2, March 2024
DOI :https://doi.org/10.62872/nfj8ve03

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Legal Protection for Consumers in Online Transactions in Indonesia

Samsidar

Sultan Thaha State Islamic University of Jambi, Indonesia
dharsamsidar@gmail.com

Abstract
The development of information technology has changed the way people conduct transactions, especially in electronic commerce (e-commerce). Although online transactions provide convenience, various legal issues arise related to consumer protection, such as fraud, non-conforming goods, and difficulties in returning goods. This study aims to analyze legal protection for consumers in online transactions in Indonesia based on applicable laws and regulations, as well as to identify the challenges faced and solutions that can be applied. The research method used is qualitative with a normative legal approach. The results of the study show that although there are several regulations such as the Consumer Protection Law and the ITE Law, implementation in the field is still weak, especially in terms of law enforcement and consumer awareness. Synergy is needed between the government, business actors, and consumers to create a safe and fair e-commerce ecosystem. This article recommends improving regulations and increasing legal education and literacy for the community.

Keywords: Consumer Protection, Online Transactions, E-commerce Law

Introduction

The development of information and communication technology has had a significant impact on various aspects of human life, including in the fields of economics and trade. One of the most prominent forms of transformation is the emergence of electronic commerce or e-commerce, which allows consumers and business actors to make transactions without having to meet in person. In Indonesia, this phenomenon is growing rapidly, along with the increasing penetration of the internet and the use of digital devices in society.

However, despite providing various conveniences and efficiencies, online transactions also give rise to various legal issues, especially those related to consumer protection. Consumers are often the ones who are harmed because they do not receive the goods.

or services as agreed, experiencing fraud, or facing obstacles in returning goods and refunds. These challenges are exacerbated by low consumer digital literacy and a lack of understanding of the rights they have in electronic transactions.

In the context of Indonesian law, consumer protection has actually been regulated through various laws and regulations, including Law Number 8 of 1999 concerning Consumer Protection (UUPK), Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), and a number of other derivative regulations. However, the effectiveness of the protection provided is still a serious problem, especially in terms of its implementation and law enforcement.

Legal protection for consumers in online transactions is very important to ensure that consumer rights remain guaranteed amidst the rapid development of technology. This includes the right to obtain correct and clear information, the right to security and comfort in using products or services, and the right to receive compensation in the event of a violation of their rights. Therefore, a legal system is needed that is not only responsive to digital dynamics, but is also able to provide guarantees of legal certainty and justice for the parties involved in online transactions.

This paper will discuss in depth about legal protection for consumers in online transactions in Indonesia. This study aims to analyze how existing regulations protect digital consumers, what challenges are faced in their implementation, and solutions that can be offered to strengthen legal protection in the e-commerce realm. This study will also evaluate the extent to which the state is present in providing protection to consumers through policies, regulations, and the role of related institutions.

By using a qualitative normative legal approach, this study bases its study on relevant primary and secondary legal sources, and uses a descriptive-analytical method in describing and assessing the applicability of consumer protection law in the digital realm. It is hoped that through this study, a comprehensive picture of the condition of consumer legal protection in online transactions in Indonesia can be obtained, as well as contributing ideas towards the formation of more effective and fair regulations.

Ultimately, consumer protection efforts in online transactions cannot be separated from the active participation of all parties, including the government, business actors, and consumers themselves. With good synergy between the three, it is hoped that a healthy, fair, and safe e-commerce ecosystem can be created for all parties involved. Therefore, understanding the legal aspects of digital transactions is important so that each individual can protect their rights and participate in creating a responsible and equitable digital economic order. dul: Legal Protection for Consumers in Online Transactions in Indonesia

IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.1 . No.2, March 2024
DOI :https://doi.org/10.62872/nfj8ve03

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Research methods

This study uses a qualitative method with a normative legal approach. This approach focuses on the analysis of relevant laws and regulations, such as Law Number 8 of 1999 concerning Consumer Protection and Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE), as well as literature related to consumer protection in online transactions. Data were collected through literature studies and analyzed descriptively to understand the effectiveness of existing legal protection and the challenges in its implementation.

Discussion

Consumer protection in online transactions has become a pressing issue amidst the rapid development of information and communication technology. Consumers have basic rights such as the right to information, the right to choose, and the right to protection from losses, as regulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK). However, in practice, these rights are often neglected. Online transactions create new challenges, because consumers often have difficulty obtaining complete and accurate information regarding the products offered. Marketplaces use algorithms and digital advertising to drive consumer decisions, which often unknowingly position them in a weaker position than business actors (Nasution, 2006).

Normatively, UUPK provides a comprehensive legal framework for consumer protection. Article 4 of UUPK guarantees consumers' rights to comfort, security, and safety. However, this regulation is not sufficient to accommodate modern forms of digital transactions. Therefore, the ITE Law is present as a complement by establishing provisions regarding electronic information and transactions. Unfortunately, these two regulations do not explicitly regulate the protection of consumer personal data and the legal responsibilities of third parties such as digital platforms (Makarim, 2010). The absence of specific regulations makes it difficult to provide legal certainty for consumers.

Marketplaces such as Tokopedia, Shopee, and Bukalapak play a vital role in the online transaction ecosystem in Indonesia. They act as mediators between sellers and buyers, but often do not take legal responsibility for problems arising from transactions. They often hide behind the pretext of being mere technology service providers, without being responsible for losses experienced by consumers due to fraud, counterfeit goods, or late delivery. This ambiguity indicates a legal vacuum in terms of digital platform responsibility (Yunita, 2016).

Law enforcement in the field of digital consumer protection faces serious challenges. The identity of business actors often cannot be verified with certainty because they are not officially registered, complicating the legal process. On the other hand, consumers also have difficulty filing complaints because the available dispute resolution mechanisms are still complex, slow, and inefficient. High

IPSO JURE JOURNAL
IPSO JURE
Journal
Vol.1 . No.2, March 2024
DOI :https://doi.org/10.62872/nfj8ve03
E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

complaint costs and minimal legal understanding among the public are additional obstacles to accessing justice (Siregar, 2019).

In this context, the role of the government and consumer protection institutions such as BPKN and YLKI becomes very crucial. The government is required to create regulations that are not only reactive but also proactive in facing the development of e-commerce. Consumer education must be strengthened so that they are able to recognize their rights and take preventive steps before experiencing losses. The involvement of consumer institutions also needs to be expanded to the regions to increase the reach of legal advocacy services (Wahyuni, 2018).

Low digital literacy in Indonesia is also a major factor in the high number of fraud cases and losses in online transactions. Many consumers do not yet have the ability to read product reviews critically, verify store credibility, or understand return policies. According to Afandi (2021), increasing digital literacy is an effective strategic step to minimize risk and encourage healthy transactions. This effort must be supported by a structured and sustainable national policy.

In practice, a number of cases have gone to court and shown the weaknesses of the digital consumer legal protection system. The main difficulty is proof—electronic documents are often not accepted as valid evidence because there is no legal procedure mechanism that specifically accommodates digital evidence. This weakens the position of consumers in the litigation process. Prasetyo (2022) emphasized that updating civil procedure law that supports the validity of electronic evidence is urgently needed to create procedural justice for consumers.

From a comparative legal perspective, countries such as the European Union and Australia have implemented more advanced digital consumer protection systems. The European Union with its GDPR strictly and transparently protects consumers' personal data, while Australia provides a special institution for online consumer dispute resolution that can be accessed quickly and efficiently (Fitrani, 2017). Indonesia can learn and adopt these regulatory elements to strengthen its legal system.

To address the complexity of existing problems, regulatory updates are a mandatory step. UUPK and UU ITE need to be adjusted to the dynamics of today's digital world. New regulations must explicitly stipulate marketplace responsibilities, digital business actor verification mechanisms, and personal data protection. Other solutions include the development of an integrated national online complaint system, simplification of the mediation process, and training of law enforcement officers to understand digital transactions and electronic evidence (Kurniawan, 2019).

Thus, this discussion shows that legal protection for consumers in online transactions is not enough with just the existence of regulations, but also consistent and adaptive implementation. Collaboration between the government, business actors, consumer protection institutions, and the

IPSO JURE JOURNAL

IPSO JURE

Journal

Vol.1 . No.2, March 2024
DOI :https://doi.org/10.62872/nfj8ve03

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

community is the key to building a healthy e-commerce ecosystem. Without strong synergy, consumer rights will continue to be in a vulnerable position and potentially manipulated in an increasingly complex digital economic system (Aziz, 2017).

Conclusion

Based on this study, it can be concluded that legal protection for consumers in online transactions in Indonesia still faces various challenges, both in terms of regulation and implementation. Although there is a legal umbrella that regulates it, its implementation is still weak due to lack of supervision, weak law enforcement, and minimal legal awareness among the public. Concrete steps are needed such as improving regulations, increasing education for consumers, and optimizing the role of consumer protection institutions so that consumer rights can be truly protected in this digital era.

Bibliography

Afandi, T. (2021). "Digital Literacy and Consumer Protection". Journal of Communication and Law

Aziz, F. (2017). "Consumers and Their Rights in the Digital World". Jakarta: Indonesian Consumers Institute.

Fitrani, D. (2017). "The Role of the State in Protecting Digital Consumers". Journal of Social Humanities.

Harahap, A. (2020). "The Development of Cyber Law in Indonesia". Jakarta: Kencana.

Hidayat, M. (2015). "Consumer Justice in the Era of E-commerce". Journal of Legal Science

Kartini, T. (2018). "Legal Aspects in Electronic Transactions". Online Law Journal.

Kurniawan, D. (2019). "Consumer Protection Regulation in the Digital Era". Journal of Legal Regulation.

Makarim, E. (2010). "Cyberlaw: Law in Cyberspace". Jakarta: Gramedia.

Nasution, AZ (2006). "Consumer Protection Law: An Introduction". Jakarta: Sinar Grafika.

Nugroho, R. (2023). "Evaluation of E-commerce Consumer Protection Policy". Journal of Public Policy.

Prasetyo, Y. (2022). "Consumer Disputes and Settlement in the Digital Era". Modern Law Journal.

Rahayu, S. (2020). "Consumer Protection in E-Commerce Transactions in Indonesia". Journal of Law and Development

Vol.1 . No.2, March 2024
DOI :https://doi.org/10.62872/nfj8ve03

E-ISSN : 3032-7644
https://nawalaeducation.com/index.php/IJJ/

Siregar, A. (2019). "E-commerce and Consumer Protection Challenges". Journal of Legal Studies.

Subekti, R. (2005). "Contract Law". Jakarta: Intermasa.

Susanti, R. (2021). "Consumer Rights and Obligations in Digital Commerce". Journal of Economic Law.

Law Number 11 of 2008 concerning Electronic Information and Transactions

Law Number 7 of 2014 concerning Trade

Law Number 8 of 1999 concerning Consumer Protection

Wahyuni, I. (2018). "Online Consumer Dispute Resolution". Journal of Law and Technology.

Yunita, S. (2016). "Marketplace Responsibility in Digital Transactions". Journal of Business Law.