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Consumer Protection on Digital Trading Platforms: An Economic Law Perspective

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Abstract: The development of digital commerce has changed the pattern of modern economic interaction by presenting fast, efficient, and cross-border transactions, but behind these conveniences consumers face new vulnerabilities. Information asymmetry, misuse of personal data, and weak protection standards in electronic transactions pose significant potential losses. Law Number 8 of 1999 concerning Consumer Protection (UUPK) provides normative guarantees for consumer rights, while Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) presents legal legitimacy for electronic contracts as well as protection from fraud and misuse of data. However, the two regulations are still partially operational and have not been fully harmonious in responding to the complexity of digital trade. This study uses normative juridical methods with legislative and conceptual approaches to analyze the integration of the UUPK and the ITE Law in the context of economic law. The results of the study show that regulatory disharmonization creates legal uncertainty for consumers and business actors, so harmonization is needed that is able to ensure certainty, justice, and efficiency. Regulatory integration is expected to strengthen the digital consumer protection system, encourage public trust, and create a healthy, fair, and globally competitive digital trade ecosystem. Thus, digital consumer protection is not only a juridical dimension, but also an important strategy in national economic development.

Keywords: Consumer Protection, Digital Trade, Economic Law

INTRODUCTION

The development of digital commerce has brought major changes in the dynamics of the modern economy. Online platforms allow transactions to be carried out quickly, practically, and without time and space limits. The presence of digital technology makes buying and selling activities more efficient because it can connect consumers with business actors in a matter of seconds. This phenomenon encourages an increase in public consumption and expands market share for business actors, both small and large-scale. However, behind this convenience there are new vulnerabilities experienced by consumers. Weaknesses in terms of access





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to information and unclear transaction standards often lead to potential losses. Therefore, consumer protection in digital trade is an urgent issue to be studied.

Consumers as parties who use goods or services are in a vulnerable position in the digital ecosystem. Information asymmetry is one of the main factors that cause consumers to often be disadvantaged. Many cases occur when the goods received are not as described, the quality of the product is low, or even the goods are not delivered at all.² In addition, the misuse of personal data is also a serious threat in the era of electronic commerce. This condition is clearly contrary to the basic principles of consumer protection as stipulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK). The Law guarantees rights to consumers, including the right to comfort, security, and safety in consuming goods and services.³ However, challenges arise when such norms are applied in a complex and cross-jurisdictional digital space.

In response to technological developments, Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) is present as a legal instrument that regulates electronic transaction activities. The ITE Law recognizes the validity of electronic contracts and provides a legal umbrella against acts that harm consumers in the digital space. This rule includes a ban on fraud, information manipulation, and misuse of personal data that often occurs on digital platforms. The presence of the ITE Law basically complements the UUPK in the aspect of consumer protection. However, in practice, there are still normative loopholes that cause consumers to not be fully protected. This is due to the lack of optimal harmonization between the UUPK and the ITE Law in the context of digital trade. As a result, there is a potential for regulatory overlap and regulatory vacancies.

Another issue that is no less important is the law enforcement aspect. The UUPK provides a mechanism for resolving consumer disputes through the courts and the Consumer Dispute Resolution Agency (BPSK). However, this mechanism is often ineffective when faced with digital transactions involving cross-border business actors. On the other hand, the ITE Law does provide a legal basis for law enforcement in the electronic realm, but its implementation faces technical obstacles. The difficulty of proving in the form of digital data, limited supervision, and differences in international jurisdictions are real obstacles. Consumers end up in a difficult position to fight for their rights. This condition shows the need for a legal system that is more adaptive and responsive to the characteristics of digital commerce.

The urgency of consumer protection on digital platforms is also closely related to the aspect of public trust.⁴ Consumers will only feel comfortable transacting if there is a clear and enforceable protection guarantee. Public trust in the digital trading system will ultimately encourage increased public participation in online

¹ Janati, N., Afriyanti, D., & Melina, F. (2023). Perlindungan Konsumen Pada Platform Belanja Online Perspektif Hukum Ekonomi Islam. *Syarikat: Jurnal Rumpun Ekonomi Syariah*, 6(1), 134-147.

² Prayuti, Y. (2024). Dinamika perlindungan hukum konsumen di era digital: Analisis hukum terhadap praktik e-commerce dan perlindungan data konsumen di Indonesia. *Jurnal Interpretasi Hukum*, *5*(1), 903-913.

³ Izazi, F. S., Sajena, P., Kirana, R. S., & Marsaulina, K. (2024). Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Melalui Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Dan Peraturan Pemerintah (Pp) Nomor 80 Tahun 2019 Tentang Perdagangan Melalui Sistem Elektronik. *Leuser: Jurnal Hukum Nusantara*, 1(2), 8-14.

⁴ Al Ghozali, F., & Hardyanthi, T. (2024). Perlindungan Konsumen Pada Platform E-Commerce: Regulasi dan Peran Pemerintah. *Ethics and Law Journal: Business and Notary*, *2*(3), 136-141.



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economic activities. From an economic law perspective, consumer protection not only protects individuals, but also maintains market stability. Consumer safety and comfort are absolute requirements to create a healthy business climate. If this protection is weak, the potential for losses will have a wider impact on the national economic system. Therefore, strengthening legal instruments is a necessity.

Furthermore, consumer protection should be seen as part of the national economic development strategy. The UUPK emphasized that consumer protection aims to increase the dignity and legal awareness of the community while encouraging the responsibility of business actors. In the digital context, this mandate means the need to adapt regulations that are able to keep up with technological developments. Strong and responsive regulations will provide comprehensive protection to consumers while encouraging business actors to act more transparently. Thus, consumers are not only placed as the object of the transaction, but also as legal subjects who have rights and certainty of protection. This is in line with the government's efforts to build an inclusive and equitable digital economy ecosystem. Therefore, digital consumer protection has a double dimension: legal and economic.

The integration of the UUPK and the ITE Law is an important key in strengthening the consumer protection system. The UUPK provides a basic framework regarding the rights and obligations of consumers and business actors, while the ITE Law expands the scope of protection in electronic aspects. The synergy between the two can form a comprehensive legal system that is adaptive to technological developments. In addition, this integration can also prevent regulatory overlap that has the potential to weaken legal certainty. From an economic law perspective, regulatory integration is needed to create a balance between consumer protection and the growth of the digital economy. Harmonization of rules will provide clarity for all parties in transactions. This can ultimately create a sustainable and healthy digital trading ecosystem.

Thus, consumer protection on digital commerce platforms requires the strengthening of integrated legal instruments. The UUPK remains the main foundation, but its implementation must be supported by the ITE Law and other technical regulations that are more responsive. A strong legal system not only provides certainty and a sense of security for consumers, but also supports the sustainability of digital businesses. Effective consumer protection will encourage the growth of public trust in the digital trade ecosystem. This trust is an important capital in building an inclusive, fair, and competitive digital economy. Thus, the aspect of consumer protection cannot be separated from efforts to build the foundation of a globally competitive digital economy. Therefore, strengthening the legal framework of the digital economy must be a strategic priority for Indonesia.

METHOD

This research uses a normative juridical research method, which is legal research that focuses on written norms as the main object of study. This method was chosen because the issue of consumer protection in

⁵ Rayhan, A., Apriani, R., & Avionita, V. (2023). Bentuk Perlindungan Hukum Bagi Konsumen Dalam Bertransaksi Menggunakan Platform E-Commerce Dengan Perspektif Hukum Perlindungan Konsumen. *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, 10(11), 5214-5223.

⁶ Elena, O., & Elena, T. (2020). The protection of consumer rights in the digital economy conditions-the experience of the BRICS countries. *BRICS Law Journal*, 7(2), 118-147.



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digital trading platforms is closely related to the legal provisions contained in laws and regulations. The normative juridical approach allows analysis to be carried out through the review of applicable regulations, legal principles, and legal doctrines relevant to consumer protection in the context of digital transactions.

As explained by Peter Mahmud Marzuki, normative legal research is a method that focuses on the study of legal materials as the main object of study, by interpreting and constructing applicable laws to answer certain legal issues. According to Marzuki, this approach is prescriptive because it aims not only to describe the law, but also to provide normative arguments for the validity of a legal action or act in the legal system adopted. Meanwhile, Soerjono Soekanto and Sri Mamudji stated that normative legal research includes research on legal principles, legal systematics, legal synchronization, legal history, and comparative law.

The approaches used are the statute approach and the conceptual approach. The legislative approach is carried out by analyzing the provisions contained in Law Number 8 of 1999 concerning Consumer Protection (UUPK) as the main foundation, as well as Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) as a regulation that regulates digital activities. The UUPK provides guarantees for the protection of consumer rights, while the ITE Law expands the legal scope for electronic transactions, digital contracts, and the protection of consumers' personal data. A conceptual approach is used to understand the notion of consumer protection in the perspective of economic law, which emphasizes the balance between consumer interests and the sustainability of digital commerce.

The legal materials used consist of primary legal materials, namely related laws and regulations, such as the UUPK and the ITE Law, as well as their implementing regulations relevant to electronic commerce. Secondary legal materials include literature, scientific journals, research results, and expert opinions that discuss consumer protection issues in the digital ecosystem. Meanwhile, tertiary legal materials are in the form of legal dictionaries, encyclopedias, and other supporting sources that provide additional understanding of the legal concepts used.

The analysis of legal materials is carried out in a descriptive-analytical manner, namely describing the applicable legal provisions, identifying weaknesses or gaps in the implementation of consumer protection on digital platforms, and providing a critical analysis of its conformity with the principles of economic law. This study also examines the harmonization between the UUPK and the ITE Law, in order to assess the extent to which the two legal instruments can provide comprehensive protection for consumers in digital transactions.

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⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

⁸ Mahlil Adriaman et al., *Pengantar Metode Penelitian Ilmu Hukum* (Padang: Yayasan Tri Edukasi Ilmiah, 2024).

⁹ Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859, https://doi.org/10.29040/jiei.v8i3.6485.



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DISCUSSION

1. Juridical Analysis of Consumer Protection in Digital Commerce Platforms Based on the UUPK

Law Number 8 of 1999 concerning Consumer Protection (UUPK) is the main regulation that regulates legal relations between consumers and business actors in Indonesia. The UUPK places consumers as legal subjects who have fundamental rights, such as the right to comfort, security, and safety in consuming goods and/or services, the right to correct and clear information, and the right to compensation if the goods or services received are not in accordance with the agreement.¹⁰ In the context of digital commerce, these rights remain relevant, but their implementation faces challenges due to the characteristics of online transactions based on information technology.

The obligations of business actors as stipulated in the UUPK, such as the obligation to provide true, clear, and honest information about goods/services, as well as the obligation to ensure product quality and safety, must be interpreted adaptively in the digital realm. For example, in e-commerce practice, the delivery of information is carried out through product descriptions on online platforms. Ambiguity or incompleteness of information may cause harm to consumers, which in this case may qualify as a violation of consumer rights.¹¹ Thus, digital business actors still have a legal responsibility to ensure transparency and accountability in every electronic transaction.

The aspect of legal responsibility in the UUPK is also very important to be analyzed in the context of digital trade. Article 19 of the UUPK affirms the obligation of business actors to provide compensation for consumer losses due to the use of goods/services that are not in accordance with the agreement. ¹² However, in digital transactions, problems often arise related to determining the responsible subject, especially when there is a platform intermediary that only functions as a marketplace service provider. This raises the debate about whether the responsibility lies entirely with the seller, or also involves the platform as a transaction facilitator.

From a historical perspective, the UUPK was born before the digital era developed rapidly, so many provisions have not explicitly accommodated the complexity of digital trade. For example, the UUPK does not regulate in detail the misuse of consumers' personal data, electronic payment systems, or online dispute resolution mechanisms. This legal vacuum opens up potential vulnerabilities for consumers, especially related to transaction security, data protection, and complaint mechanisms when violations occur.

¹⁰ Fletcher, A., Crawford, G. S., Crémer, J., Dinielli, D., Heidhues, P., Luca, M., ... & Sinkinson, M. (2023). Consumer protection for online markets and large digital platforms. *Yale J. on Reg.*, 40, 875.

¹¹ Bychko, M. A., Barkova, E. N., Volodkova, E. N., Cherevko, V. V., & Argunov, B. B. (2021). Consumer Rights Protection in a Digital Space: Problems and Ways of Their Solution. In *Economic Issues of Social Entrepreneurship* (pp. 205-215). Cham: Springer International Publishing.

¹² Jha, D. (2023). E-Commerce and Consumer Protection: Critical Analysis of Legal Regulations. *Issue 1 Indian JL & Legal Rsch.*, 5, 1.



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Therefore, the UUPK often requires harmonization with other regulations, such as Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) and relevant OJK or Bappebti regulations.¹³

Normatively, the UUPK still has the power as the foundation for consumer protection in digital trade, but its effectiveness depends on the interpretation ability of law enforcement officials and the development of derivative regulations that are in accordance with technological dynamics. Thus, this juridical analysis shows that consumer protection in the era of digital commerce still requires legal reconstruction so that the UUPK is not only declarative, but also applicable in facing the challenges of online transactions.

2. The Relevance and Limitations of the ITE Law in Supporting Digital Consumer Protection

Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), and its amendments, has an important role in expanding the scope of consumer protection in the digital era. His presence emphasized that electronic transactions and digital-based contracts have a legal status equivalent to conventional contracts as long as they meet the legal requirements of the agreement as stipulated in the Civil Code (KUHPerdata). Thus, the ITE Law provides legitimacy for electronic contracts as a legal instrument, so that they can be used as a basis for protection for consumers against defaults and unlawful acts committed by business actors in the digital realm.¹⁴

In addition, the ITE Law also has relevance in the context of consumer personal data protection. Although further arrangements are comprehensively outlined in Law Number 27 of 2022 concerning Personal Data Protection, the ITE Law has normatively affirmed the prohibition of illegal access, manipulation, or distribution of consumer data without consent. This shows the contribution of the ITE Law as an initial framework that supports the protection of consumer rights from the aspects of confidentiality and security of personal information in digital transactions.¹⁵

The ITE Law also provides a legal basis for the regulation of criminal acts related to fraud, information manipulation, and misuse of electronic systems that have implications for consumer losses. The criminal norms in the ITE Law have significance in tackling unfair digital trade practices, including the existence of illegal e-commerce platforms, offering fictitious goods, and phishing practices that are detrimental to consumers. Thus, the existence of these criminal provisions emphasizes the dimensions of preventive and repressive legal protection offered by the ITE Law.

However, despite its relevance, the ITE Law still contains a number of limitations. First, its relationship with Law Number 8 of 1999 concerning Consumer Protection (UUPK) is not fully harmonious, considering that the UUPK emphasizes more substantive protection of consumer rights, while the ITE Law focuses on

¹³ Quirk, P., & Rothchild, J. A. (2018). Consumer protection and the Internet. In *Handbook of Research on International Consumer Law, Second Edition* (pp. 308-339). Edward Elgar Publishing.

¹⁴ Novita, Y. D., & Santoso, B. (2021). Urgensi pembaharuan regulasi perlindungan konsumen di era bisnis digital. *Jurnal Pembangunan Hukum Indonesia*, *3*(1), 46-58.

¹⁵ Syafiqotuzzuhda, T. (2023). *Problematika Hukum Perlindungan Konsumen dalam menghadapi kejahatan berbasis artificial intellegence* (Doctoral dissertation, Universitas Islam Negeri Maulana Malik Ibrahim).



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the legality aspects of electronic transactions and the regulation of criminal acts. This disharmony has the potential to cause overlapping regulations and legal uncertainty for consumers and business actors. ¹⁶

Another limitation is also seen in the aspect of digital proof. In judicial practice, electronic evidence has indeed been recognized as valid evidence, but its validity is often questioned, especially related to the authenticity, integrity, and authentication of electronic documents. This poses its own challenges for consumers who are often in a weak position in proving violations of their rights in digital transactions.

Furthermore, the biggest challenge in law enforcement of the ITE Law is related to the character of digital trade which is cross-jurisdictional. Transactions involving foreign business actors and domestic consumers pose difficulties in terms of determining applicable laws, judicial jurisdiction, and decision execution mechanisms. These limitations show that the ITE Act, while relevant in providing consumer protection, needs to be strengthened through a more comprehensive legal framework and international collaboration to ensure the effectiveness of digital consumer protection.

3. Economic Law Perspective on the Integration of UUPK and ITE Law in Building a Digital Consumer Protection System

The perspective of economic law views that law functions not only as a normative instrument, but also as a means of social engineering and an instrument of economic policy. The integration between Law Number 8 of 1999 concerning Consumer Protection (UUPK) and Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) is an urgent need to close the regulatory gap in the context of digital trade. The UUPK basically provides a normative basis to protect the interests of consumers from harmful business practices, while the ITE Law plays a role in providing legitimacy for electronic transactions while regulating the governance of the implementation of electronic systems. However, these two laws are still partially running so that they do not fully answer the complexity of digital consumer protection.

In the framework of economic law, the integration of the UUPK and the ITE Law must be directed at creating regulatory efficiency that can balance the interests of consumers and business actors. Legal uncertainty due to regulatory disharmonization can lead to high transaction costs, hinder innovation, and lower consumer confidence in the digital market.¹⁷ Therefore, harmonization of regulations is needed to unify protection standards, both related to the validity of electronic contracts, personal data security, and the responsibility of business actors for consumer losses. Thus, regulations not only function repressively in resolving disputes, but also preventive through the creation of clear and easy-to-implement compliance mechanisms.

In addition to the normative aspect, the perspective of economic law also emphasizes the urgency of legal reform that is responsive to the dynamics of digital technology. The UUPK was born in the era of conventional trade, so it has not fully anticipated problems such as the misuse of consumer data, exploitative

¹⁶ Komarudin, U. (2024). The Role of the ITE Law in Protecting Consumer Rights in the World of E-commerce. *Global Journal of Contemporary Politics and Policy*, 3(1).

¹⁷ Sari, K. A. (2023). Integrasi Hukum Perlindungan Konsumen Dan Persaingan Usaha Atas Data Pribadi Konsumen Pada Platform Digital. *UNES Law Review*, *6*(1), 1936-1947.



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marketing algorithms, and cross-border trading practices based on digital platforms. Meanwhile, the ITE Law tends to focus on the legitimacy of transactions and the security of electronic systems, but has not placed consumer protection as the main axis. ¹⁸ Thus, the integration of these two regulations should lead to the establishment of a new adaptive legal framework, which not only regulates formal protection, but also pays attention to the dynamics of the global digital market.

The formulation of a digital consumer protection model in the perspective of economic law must consider the principles of legal certainty, fairness, and efficiency. Legal certainty is needed to ensure that consumers and business actors have a clear basis in conducting transactions. Justice wants a balanced distribution of responsibilities between consumers, business actors, and digital platform providers, so that there is no abuse of dominant positions. Meanwhile, efficiency requires that the applicable rules do not overburden business activities, but instead encourage innovation and increase the competitiveness of Indonesia's digital industry at the global level.

The integration of the UUPK and the ITE Law in the perspective of economic law ultimately aims to create a healthy, fair, and competitive digital trade ecosystem. Strong consumer protection will increase public trust in the digital market, while clear legal certainty for business actors will create a conducive investment climate. Thus, the law plays a strategic role as a strategic instrument in directing the development of Indonesia's digital economy to be able to grow sustainably while being in line with the principles of social justice and the protection of consumer rights

CONCLUSIONS

The conclusion of this analysis shows that consumer protection in digital trade in Indonesia requires a more comprehensive and responsive regulatory strengthening to technological dynamics. The UUPK as the main regulation has provided a strong normative foundation in guaranteeing consumer rights, but faces limitations in accommodating the complexity of technology-based electronic transactions. The ITE Law is present to expand the legitimacy of digital transactions and regulate criminal aspects and data protection, but it is still partial and not fully harmonious with the UUPK. The disharmonization has implications for legal uncertainty that can harm consumers as well as create a burden for business actors. From an economic law perspective, the integration of the two is an urgent need to create regulatory efficiency, encourage innovation, and build public trust in the digital market. Regulatory harmonization should be directed at strengthening the protection of consumer rights, effective dispute resolution, and balanced sharing of responsibilities between sellers, platform providers, and consumers. Clear legal certainty will reduce transaction costs and minimize business practices that are detrimental to consumers. The principle of justice also requires that regulations not only protect consumers as weak parties, but also provide a guarantee of certainty for business actors so that they are not overburdened. Legal efficiency, on the other hand, is the key so that regulations can encourage the growth of the digital economy without hindering industrial competitiveness. Thus, the integration of the UUPK and the ITE Law will create a healthy, fair, and sustainable digital trade ecosystem. The existence of laws that are adaptive to technological developments while protecting consumers will be a strategic instrument for the development of the national digital

¹⁸ Novita, Y. D., & Santoso, B. (2021). Urgensi pembaharuan regulasi perlindungan konsumen di era bisnis digital. *Jurnal Pembangunan Hukum Indonesia*, *3*(1), 46-58.

¹⁹ Widiarty, W. S., & Tehupeiory, A. (2024). The role of business law in improving consumer protection in the digital age. *Journal of Law and Sustainable Development*, 12(2), 1-12.



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economy. In the end, digital consumer protection is not only a juridical aspect, but also an important pillar in realizing social justice and economic sustainability in Indonesia.

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