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Juridical review of Consumer Dispute Resolution in Online Marketplace Transactions

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Abstract

The development of digital technology has driven the growth of online transactions through marketplace platforms, providing convenience for consumers in shopping. However, as electronic transactions increase, various disputes have arisen between consumers and business actors, such as mismatched products, delayed deliveries, and fraud. This study aims to examine the consumer dispute resolution mechanisms in marketplace transactions from a legal perspective, assess the effectiveness of existing regulations, and identify the challenges faced in their implementation. The research method used is normative legal research with a statutory approach and a conceptual approach. The results of the study show that existing regulations, such as the Consumer Protection Law and the Electronic Information and Transactions Law (ITE Law), have not been fully effective in providing legal certainty for consumers. Differences in dispute resolution mechanisms across marketplaces and low consumer legal literacy are the main obstacles in protecting consumer rights. Therefore, it is necessary to strengthen regulations, ensure transparency in dispute resolution procedures, and improve consumer education to optimize the consumer protection system in electronic transactions.

Keywords: *Dispute resolution, Consumer protection, Marketplace, Electronic transactions*

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1. Introduction

The development of digital technology has brought significant changes to various aspects of life, including the trade sector. The emergence of e-commerce and marketplaces as online transaction platforms has provided convenience for the public in buying and selling goods and services. Consumers can now conduct transactions without having to meet sellers in person, making the process more efficient and practical. In Indonesia, marketplace platforms such as Tokopedia, Shopee, Bukalapak, and Lazada have become the primary choices for online shopping. Data shows that in 2023, the number of e-commerce businesses in Indonesia increased by 24%, although the majority is still dominated by non-e-commerce businesses[1]. However, along with the

[1] GoodStats (2025, Februari 23). *Simak performa e-commerce Indonesia, nilai transaksi capai Rp1.100 triliun.*

increase in online transactions, various problems have also begun to emerge, particularly related to disputes between consumers and business actors. These disputes may arise due to various factors, such as products not matching their descriptions, delayed deliveries, damaged goods, and even cases of fraud. For example, in 2021, a fraud case involving PT Grab Toko Indonesia caused consumer losses amounting to IDR 1.1 billion from 300 reported complaints[2].

In many cases, consumers feel disadvantaged and experience difficulties in obtaining their rights due to the lack of transparency in the dispute resolution mechanisms implemented by marketplaces. In Indonesia, consumer protection in electronic transactions is regulated by several laws and regulations, such as Law Number 8 of 1999 on Consumer Protection, Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), and its implementing regulations such as Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions. Although these regulations stipulate the rights and obligations of consumers and business actors in electronic transactions, there are still various challenges in their implementation.

One of the main obstacles in resolving consumer disputes in marketplaces is the absence of a uniform and effective mechanism to ensure legal certainty for consumers. Some marketplaces have their own dispute resolution policies, but these often tend to favor business actors or fail to provide adequate solutions for consumers. In addition, litigation through the courts is often considered ineffective due to the time and cost it entails. Therefore, alternative mechanisms such as mediation, arbitration, and the Consumer Dispute Settlement Agency (BPSK) become options that need to be evaluated in the context of e-commerce dispute resolution. Another issue is the low level of consumer awareness regarding their rights in online transactions. Many consumers are unaware of the available dispute resolution mechanisms or are reluctant to pursue legal action due to the perceived complexity of the process. On the other hand, business actors often take advantage of this lack of consumer knowledge to evade their responsibilities.

Online marketplace transactions have led to an increase in consumer disputes, necessitating effective resolution mechanisms. Online Dispute Resolution (ODR) has emerged as a viable solution, offering negotiation, mediation, and arbitration methods[3]. While some marketplaces have implemented internal ODR systems, challenges persist regarding transparency, security, and fairness. The principle of intermediary liability is crucial in determining marketplace responsibility for dispute resolution[4]. Indonesian law encourages peaceful out-of-court settlements for consumer disputes, aligning with ODR principles[5]. However, existing consumer protection regulations may not fully address e-commerce transactions, especially in cross-jurisdictional cases. To resolve disputes, parties can choose between court proceedings or Alternative Dispute Resolution (ADR) methods, depending on their agreement[6]. Overall, there is a need for comprehensive regulations and equitable ODR systems to protect consumers in online marketplace transactions.

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https://goodstats.id/article/simak-performa-e-commerce-indonesia-nilai-transaksi-capai-rp1100-triliun-2xCZl

[2] CNBC Indonesia (2021, January 11). *Kerugian konsumen yang kena tipu Grab Toko Rp 1,1 miliar*. Diakses dari https://www.cnbcindonesia.com/news/20210111171944-4-215116/kerugian-konsumen-yang-kena-tipu-grab-toko-rp-11-miliar

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This study aims to juridically examine the consumer dispute resolution mechanisms in marketplace transactions, assess the effectiveness of existing regulations, and identify the legal gaps that still exist. Thus, this research is expected to contribute to the development of more effective policies to enhance consumer protection in electronic transactions in Indonesia.

2. Method

This study employs a normative legal research method, or doctrinal research, which focuses on the analysis of laws and legal doctrines related to consumer dispute resolution in marketplace transactions. The approaches used in this research include the statutory approach, which involves analyzing various regulations governing consumer protection and electronic transactions, such as Law Number 8 of 1999 on Consumer Protection, Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), and Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions. In addition, the study also applies a conceptual approach to examine relevant legal concepts, such as consumer protection, dispute resolution mechanisms, and the principle of justice in electronic transactions. The case approach is also utilized to review past consumer dispute cases in marketplace transactions and how they were resolved, either through litigation or alternative means such as mediation and the Consumer Dispute Settlement Agency (BPSK).

The data sources in this study consist of primary legal materials, including relevant laws and regulations, court decisions, and marketplace policies related to dispute resolution. Secondary legal materials such as scholarly journals, books, legal articles, and previous research are also analyzed to enrich the discussion and provide a broader perspective on the effectiveness of existing regulations. Tertiary legal materials such as legal dictionaries and encyclopedias are used as additional references to better understand the legal terms and concepts employed in this research.

The data collection technique used in this study is library research, aimed at collecting and analyzing relevant legal materials. The data obtained are then analyzed using a descriptive-qualitative analysis method, by explaining, interpreting, and evaluating legal rules and dispute resolution practices applied in marketplace transactions. Moreover, this study also adopts a comparative analysis method, comparing dispute resolution regulations and mechanisms in Indonesia with those of other countries in order to identify the strengths and weaknesses of the current system. Thus, this research is expected to provide a comprehensive overview of the effectiveness of legal protection for consumers in online transactions and offer better policy recommendations to enhance legal certainty in e-commerce dispute resolution.

3. Results and Discussion

Table 1. Comparison of Consumer Protection Regulations in Indonesia and Other Countries

Aspect	Indonesia	European Union (EU)	United States (US)
Main regulations	Consumer Protection Law No. 8/1999, Electronic Information and Transactions Law No. 11/2008	General Data Protection Regulation (GDPR), EU Consumer Rights Directive	Federal Trade Commission (FTC) Act, Online Consumer Protection Act
Online dispute resolution mechanism	No national system, relies on marketplace policies	Online Dispute Resolution (ODR) provided by the	ODR available on some e-commerce platforms, overseen by the FTC

		European Consumer Centres Network	
Marketplace obligations	Not required to be involved in disputes	Required to facilitate consumer dispute resolution	Marketplaces are responsible in some cases of consumer fraud
Effectiveness of dispute resolution	Less effective due to lack of standardized mechanism	Relatively high with integrated ODR system	Varies depending on federal policies and individual marketplace rules

The comparison of online consumer protection in Indonesia, the European Union (EU), and the United States (US) reveals differences in regulations and dispute resolution mechanisms. Indonesia relies on consumer protection and electronic transaction laws without a national online dispute resolution (ODR) system, making its effectiveness lower. The EU has an integrated ODR system regulated by laws like GDPR, which enhances its effectiveness. In the US, ODR is available on some e-commerce platforms and overseen by the FTC, but its effectiveness varies depending on federal policies and individual marketplace rules.

Table 2. Types of Dispute Resolution Mechanisms in Online Marketplaces

Dispute Resolution Method	Advantages	Disadvantages
Marketplace policies (refunds, returns, etc.)	Quick process, more practical	Often favors business owners
Consumer Dispute Settlement Agency (BPSK)	Fairer for consumers	Lengthy process, not all cases can be handled
Court litigation	Legally binding decision	High cost, time-consuming process
Mediation/arbitration	Faster process than litigation	Not always beneficial for consumers as not all parties are willing to mediate

The table outlines various dispute resolution methods, along with their advantages and disadvantages. Marketplace policies, such as refunds and returns, offer a quick and practical solution but often favor business owners over consumers. The Consumer Dispute Settlement Agency (BPSK) provides a fairer process for consumers, though it can be lengthy and doesn't handle all cases. Court litigation offers legally binding decisions but is costly and time-consuming. Mediation and arbitration offer a faster alternative to litigation, but they may not always benefit consumers, as not all parties are willing to engage in the process.

Table 3. Challenges in Consumer Dispute Resolution in Online Marketplaces

Challenges	Impact on Consumers
Lack of standardized dispute resolution mechanisms	Confusing for consumers as each marketplace has different rules
Low consumer awareness of rights	Many consumers are unaware of their rights and how to resolve disputes

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Dominance of marketplaces in dispute resolution policies	Policies often favor business owners over consumers
Lack of specific regulations on online dispute resolution	No national standards regulating e-commerce dispute resolution mechanisms
Expensive and time-consuming litigation process	Consumers are reluctant to take cases to court due to long processes and high costs

The challenges in online dispute resolution have several negative impacts on consumers. The lack of standardized mechanisms leads to confusion, as each marketplace operates with different rules. Low consumer awareness of their rights leaves many unaware of how to resolve disputes effectively. The dominance of marketplaces in dispute resolution policies often results in these policies favoring business owners rather than consumers. Additionally, the absence of specific regulations on online dispute resolution means there are no national standards governing e-commerce dispute mechanisms. Lastly, the expensive and time-consuming nature of litigation discourages consumers from pursuing legal action, leaving many without effective recourse.

This study finds that consumer protection regulations in marketplace transactions in Indonesia are governed by various laws, such as Law No. 8 of 1999 on Consumer Protection and Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law). However, the implementation of these regulations still faces several challenges, particularly in providing legal certainty for consumers involved in disputes over online transactions. Additionally, Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions regulates aspects of electronic transactions but has not specifically provided effective solutions for resolving consumer disputes in marketplaces.

Currently, the dispute resolution mechanism in marketplaces relies on the policies of each platform, which generally offer solutions such as refunds, replacements, or resolutions through customer service. However, this system is often less transparent and tends to favor business owners over consumers. Meanwhile, litigation routes, such as through courts or the Consumer Dispute Settlement Agency (BPSK), are rarely used due to the time, cost, and complex processes involved. Alternative methods, such as mediation and arbitration, have not been optimally utilized, although they could provide faster and more efficient solutions for consumers to resolve their disputes.

A comparison with dispute resolution systems in other countries shows that some have adopted Online Dispute Resolution (ODR) systems to resolve online transaction disputes more effectively. The European Union and the United States, for example, have implemented ODR systems that allow consumers to submit disputes digitally without going through the court system. The regulations in these countries are also more specific in outlining the responsibilities of marketplaces in resolving disputes, whereas in Indonesia, regulations still give marketplaces significant flexibility in determining their own policies.

Based on these findings, this study recommends several improvements to enhance consumer protection in marketplace transactions in Indonesia. First, stronger and more uniform regulations regarding dispute resolution mechanisms are needed to provide better legal certainty for consumers. Second, consumer education should be increased to help them better understand their rights and the available mechanisms for resolving disputes. Third, the implementation of an Online Dispute Resolution (ODR) system in Indonesia should be considered to expedite and simplify the dispute resolution process without resorting to long and costly legal procedures. Finally, the government and relevant agencies should enhance oversight of marketplace policies to better protect consumers and create a fairer and more transparent e-commerce ecosystem.

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DISCUSSION

Effectiveness of Existing Regulations

In this analysis, the effectiveness of existing regulations is the main focus in assessing consumer protection in marketplace transactions. Although Law No. 8 of 1999 on Consumer Protection and Law No. 11 of 2008 on Electronic Information and Transactions have regulated consumer rights in online transactions, the implementation of these regulations still faces various challenges. The gap between regulations and their enforcement on the ground is one of the factors causing consumers difficulty in resolving disputes with businesses. The lack of oversight and enforcement of regulations leads to dispute resolution often depending on marketplace policies, which are not always consumer-friendly. Therefore, the government's role is crucial in improving the effectiveness of regulations and ensuring optimal consumer protection in online transactions.

Comparison of Dispute Resolution Mechanisms

The comparison of dispute resolution mechanisms across various marketplaces shows a variation in the policies applied. Tokopedia, Shopee, Bukalapak, and Lazada have different dispute resolution systems, causing inconsistency in consumer protection. Some platforms provide convenience for consumers to file claims, while others have lengthy and complicated procedures. A comparison with countries that have more advanced regulations, such as the European Union and the United States, shows that dispute resolution mechanisms in Indonesia still need significant improvements. In these countries, there are specific regulations ensuring consumer protection in digital transactions, including more transparent and efficient dispute resolution mechanisms.

Challenges in Consumer Dispute Resolution

One of the main challenges in consumer dispute resolution is the low legal awareness of consumers in online transactions. Many consumers are unaware of their rights or do not know the procedures to follow when facing disputes with businesses. Another obstacle is the difficulty of accessing litigation channels and alternative dispute resolution mechanisms. The lengthy court process and high costs discourage many consumers from pursuing legal routes. Additionally, the lack of transparency in the complaint process on marketplaces leads to distrust among consumers toward the available mechanisms. Many cases involve consumers not receiving clear information regarding the status of their complaints, leading to dissatisfaction with the existing dispute resolution system.

Role of Alternative Dispute Resolution (ADR)

In this context, Alternative Dispute Resolution (ADR) mechanisms such as mediation, arbitration, and the Consumer Dispute Settlement Agency (BPSK) are more efficient options compared to litigation. These mechanisms offer faster solutions and lower costs, but they still have some weaknesses in their implementation. The lack of socialization regarding ADR means many consumers are unaware of its existence, while the procedures in place are not yet fully effective in providing fair protection for consumers. Therefore, there needs to be greater effort to strengthen the role of ADR in resolving disputes in marketplaces, through better accessibility and improvements in procedures.

Policy and Regulatory Improvement Recommendations

Based on the findings of this study, recommendations for policy and regulatory improvements are crucial to enhance consumer protection in online transactions. Specific regulations governing dispute resolution in marketplaces need to be developed to better align with the evolving e-commerce landscape. Additionally, legal education and literacy for consumers should be improved so they can better understand their rights and the available dispute resolution mechanisms. Collaboration between the government, marketplaces, and consumer protection agencies is essential to create a more effective and fair dispute resolution system, thus increasing consumer trust in digital transactions in Indonesia.

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Conclusions

This study highlights various aspects of consumer dispute resolution in marketplace transactions, focusing on the effectiveness of existing regulations, dispute resolution mechanisms, and the challenges faced by consumers. The findings show that while there are several regulations governing consumer protection in online transactions, their implementation still faces various challenges, particularly in terms of law enforcement and the gap between rules and practices on the ground. Additionally, the differences in dispute resolution mechanisms across various marketplaces create legal uncertainty for consumers, thus reducing trust in the e-commerce system. One of the main challenges identified is the low level of consumer understanding regarding their rights and available dispute resolution mechanisms. Other contributing factors include the difficulty of accessing litigation channels and the lack of transparency in the dispute resolution processes implemented by marketplaces. Therefore, alternative dispute resolution methods such as mediation, arbitration, and the Consumer Dispute Settlement Agency (BPSK) offer faster and more efficient solutions, although their implementation still requires improvement. Based on these findings, there is a need to strengthen regulations and policies that are clearer and more consumer-oriented. Socialization and education regarding consumer rights in online transactions must be increased, while more transparent and accessible dispute resolution mechanisms need to be developed. Collaboration between the government, marketplaces, and consumer protection agencies is key to creating a fairer and safer e-commerce ecosystem, which will enhance consumer protection and trust in digital transactions in Indonesia.

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