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Legal Protection for Consumers in Online Transactions: A Case Study of Marketplace Platforms in Indonesia

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Abstract

The development of digital technology has driven the rapid growth of online transactions in Indonesia, particularly through marketplace platforms such as Tokopedia, Shopee, and Bukalapak. Ease of access and broad market reach are accompanied by various legal issues, such as goods not as described, late delivery, fraud, and personal data leaks. This study aims to analyze the effectiveness of legal protection for consumers in online transactions, using a normative juridical approach that examines laws and regulations, internal marketplace policies, and case studies of actual disputes. Data were obtained from primary legal materials (UUPK, UU ITE, PP No. 80 of 2019, Permendag No. 50 of 2020, Law on Personal Data Protection), secondary legal materials, and tertiary legal materials. The results show that the national legal framework is normatively adequate, but its implementation is hampered by weak supervision, differences in policies between platforms, imbalanced consumer bargaining power, low legal literacy, and limited access to external dispute resolution mechanisms. The discussion reveals that consumer protection relies more on internal platform policies than on the direct implementation of national regulations. In conclusion, standardization of consumer protection policies across all marketplaces, strengthening of substantive government oversight, integration of personal data protection, and increasing consumer legal literacy are needed to build a safe, fair, and just online transaction ecosystem.

Keywords: *Legal protection, Consumers, Online transactions, Marketplace, Indonesia*

1. Introduction

The development of digital technology in Indonesia over the past two decades has brought significant changes to the patterns of social and economic interaction. This transformation is marked by increased internet usage, reaching nearly all levels of society. Report from the Indonesian Internet Service Providers Association (Indonesia, 2024)Indonesia recorded 221 million internet users, or approximately 79.5% of the total population, with 89.3% of them having made online transactions. This has driven the rapid growth of marketplace platforms such as Tokopedia, Shopee, Bukalapak, Lazada, and Blibli, which facilitate electronic buying and selling between sellers and buyers without geographical restrictions.(Siregar, 2023). This phenomenon has positive impacts in the form of ease of transactions, time efficiency, and product variety, but on the other hand, it raises the potential risk of consumer rights violations. Legally, consumer protection has been regulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK), which guarantees consumers' rights to comfort, security, and safety in consuming goods and/or services. In the context of electronic transactions, this protection is emphasized through Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and its amendments in Law Number 19 of 2016, as well as implementing regulations such as Government Regulation Number 80 of 2019 concerning Commerce Through Electronic Systems (PMSE) and Regulation of the Minister of Trade Number 50 of 2020. (Hidayat, 2021). Although legal instruments are available, the reality on the ground

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shows that there are still many consumer complaints regarding online transactions, ranging from goods that do not match the description, late delivery, counterfeit goods, to misuse of personal data.(Putri & Rahman, 2022).

Research results byWulandari (2022)Research shows that 68% of consumers who shop on marketplaces have experienced at least one form of loss, but only 27% report it through formal complaint mechanisms. This low reporting rate is due to several factors, including limited consumer legal literacy, complicated complaint procedures, and the perception that dispute resolution takes a long time. Furthermore,Susanto, (2021)found that most consumer disputes were resolved through the internal policies of marketplace platforms, which in some cases favored businesses or sellers. In the context of cross-border digital commerce, marketplace platforms bring together not only domestic consumers and businesses but also international sellers. This adds to the complexity of legal protection, particularly regarding jurisdiction and enforcement mechanisms.(Astuti, 2023). Research byYuliana & Sihombing, (2022)underscores that cross-border trade often faces obstacles in law enforcement, as not all countries have the same consumer protection standards. In terms of internal policies, each marketplace has consumer protection programs, such as return features, money-back guarantees, and escrow systems. However, their effectiveness varies widely. According toLestari, (2023)These policy differences have the potential to create legal uncertainty, as not all platforms implement standards that align with national regulations. On the other hand, a report from the National Consumer Protection Agency(National, 2023)shows that government supervision of marketplace activities is still limited to administrative aspects, and is not yet optimal in substantive law enforcement.

The issue of consumer protection in online transactions is also closely related to personal data. A study byNugraha & Amelia, (2024)found that 41% of consumers feel their personal data is poorly protected when conducting online transactions. Yet, personal data protection is an integral part of consumer rights in the digital age. Although Indonesia has passed Law Number 27 of 2022 concerning Personal Data Protection, implementation challenges remain significant, particularly in integrating it with consumer protection mechanisms in marketplaces.(Pradana, 2024)Based on a literature review, research related to consumer legal protection in marketplaces in Indonesia has discussed regulatory aspects.(Hidayat, 2021), the effectiveness of dispute resolution(Susanto, 2021), and cross-border trade issues(Yuliana & Sihombing, 2022)However, the identified research gap is the lack of studies integrating analysis of the national legal framework with internal marketplace policies and actual dispute resolution practices in the field. Most studies separate legal analysis from practical analysis, thus failing to provide a comprehensive picture of the effectiveness of consumer protection in the digital era. Furthermore, there is limited research examining the differences in consumer protection implementation across major marketplace platforms in Indonesia.

This research offers novelty by examining consumer legal protection in online transactions in an integrated manner through three main aspects: 1) The national legal framework governing consumer protection in the digital realm. 2) Internal marketplace policies (case studies of Tokopedia, Shopee, and Bukalapak) in providing protection to consumers. 3) Analysis of implementation barriers faced by consumers in claiming their rights, including the role of the government, BPKN, and alternative dispute resolution mechanisms. With this approach, the research is expected to provide a more comprehensive picture and serve as a reference for policymakers and marketplaces in improving the consumer protection system. This research aims to analyze the effectiveness of legal protection for consumers in online transactions on marketplace platforms in Indonesia by examining applicable regulations, internal platform policies, and implementation barriers in the field.

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2. Method

This study uses a normative juridical approach that focuses on the study of positive legal norms applicable in Indonesia regarding consumer protection in online transactions on marketplace platforms. This approach is relevant because the research objective is to analyze the effectiveness of legal protection provided to consumers based on laws and regulations, internal marketplace policies, and existing dispute resolution practices. The data sources used include primary legal materials, namely laws and regulations such as Law Number 8 of 1999 concerning Consumer Protection, Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Electronic Information and Transactions, Government Regulation Number 80 of 2019 concerning Commerce Through Electronic Systems, Regulation of the Minister of Trade Number 50 of 2020, and Law Number 27 of 2022 concerning Personal Data Protection. Secondary legal materials include scientific literature, journal articles, research reports, and expert opinions discussing consumer protection in the digital era. Tertiary legal materials are used to provide clarity on legal terminology through legal dictionaries, legal encyclopedias, and other relevant reference sources.

Data collection was conducted through three main techniques: literature review to gain a conceptual understanding and the applicable legal framework, legal document analysis to identify relevant normative provisions and technical regulations, and case study analysis on major marketplace platforms in Indonesia such as Tokopedia, Shopee, and Bukalapak to observe the implementation of consumer protection in the field. The collected data was analyzed using qualitative descriptive methods to describe the content and substance of legal norms and examine their application in real cases. This was complemented by comparative legal analysis to compare consumer protection policies across platforms and identify gaps between regulations and practices in the field. The results of the analysis were then used to compile an evaluation of the effectiveness of existing legal protection, as well as to formulate recommendations for improvement covering regulatory aspects, internal marketplace policies, and strategies for increasing consumer legal literacy.

3. Results and Discussion

a. Analysis of the National Legal Framework

A study of national legal instruments indicates that Indonesia has a fairly comprehensive legal basis for protecting consumers conducting online transactions. Law Number 8 of 1999 concerning Consumer Protection (UUPK) serves as the primary umbrella governing the rights and obligations of consumers and businesses. In the digital context, Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE) affirms the legal status of electronic contracts and prohibits acts detrimental to consumers through electronic media. Furthermore, Government Regulation Number 80 of 2019 and Minister of Trade Regulation Number 50 of 2020 provide technical guidance regarding electronic commerce (PMSE). Meanwhile, Law Number 27 of 2022 concerning Personal Data Protection serves as an additional instrument protecting consumers' personal information. However, research findings indicate that although the legal framework is normatively adequate, regulations regarding the responsibilities of marketplace platform operators remain general and do not detail technical obligations related to dispute resolution and compensation mechanisms. Most regulations still place primary responsibility on business actors or sellers, while marketplaces are positioned more as facilitators, not parties directly responsible for consumer losses.

b. Evaluation of Internal Marketplace Policies

This study examines consumer protection policies in three major Indonesian marketplaces: Tokopedia, Shopee, and Bukalapak.

a. Tokopedia implements an escrow system (joint account) and the Tokopedia Care program to handle consumer complaints. This mechanism has proven effective in preventing

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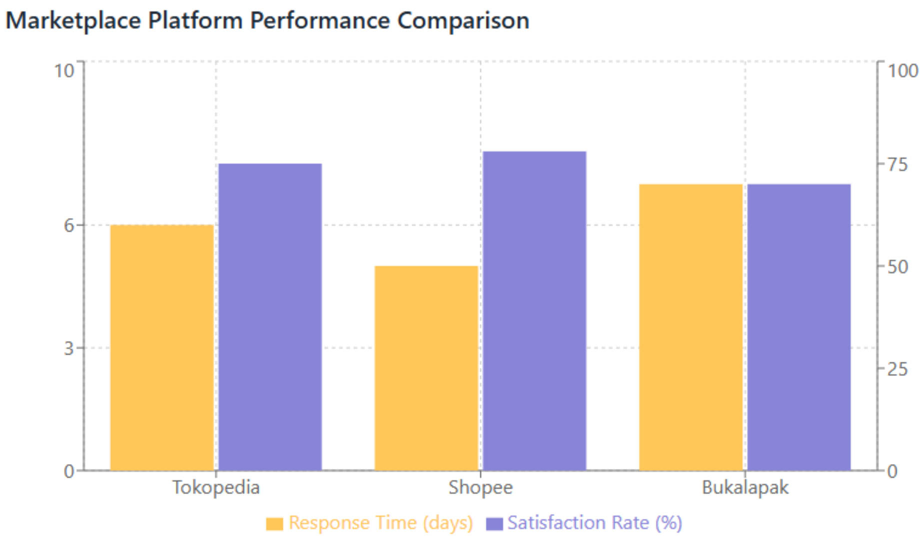
payment fraud, but the average dispute resolution time of 5–7 days is still considered slow by some consumers.

b. Shopee has a Shopee Guarantee feature that holds payment until the item is received. This feature provides a sense of security, but the return policy still requires quite detailed evidence, which can be burdensome for consumers in certain cases.

c. Bukalapak relies on the BukaBantuan and BukaProteksi systems, but these services are not yet fully integrated with external dispute resolution bodies such as BPSK.

These policy differences indicate a lack of standardization of consumer protection across platforms, so consumer experience and security are highly dependent on the platform used.

The following is a comparative graph of the performance of the three largest marketplaces in Indonesia:



Graph 1. Marketplace Platform Performance Comparison

This graph compares the performance of three major Indonesian marketplaces (Tokopedia, Shopee, and Bukalapak) in terms of consumer protection. The analysis results:

a. Tokopedia excels in transaction security thanks to its escrow system (joint account) and Tokopedia Care service. However, dispute resolution times are relatively long (5–7 days), which can impact customer satisfaction.

b. Shopee stands out for its Shopee Guarantee feature, which provides a sense of security because payment is only released after the item is received. However, its return policy is quite strict and requires detailed proof, potentially burdening consumers.

c. Bukalapak has BukaBantuan and BukaProteksi, but their integration with external dispute resolution institutions such as BPSK is not yet optimal, so consumer protection tends to rely solely on internal mechanisms.

c. Consumer Dispute Case Study Findings

An analysis of three real-life cases that occurred in 2023–2024 provides a concrete picture of the obstacles consumers face:

a. Counterfeit goods case on Tokopedia – Consumer received a product that did not match the description. The dispute was resolved through internal mechanisms, but the verification process took 9 days and resulted in a delay in the refund.

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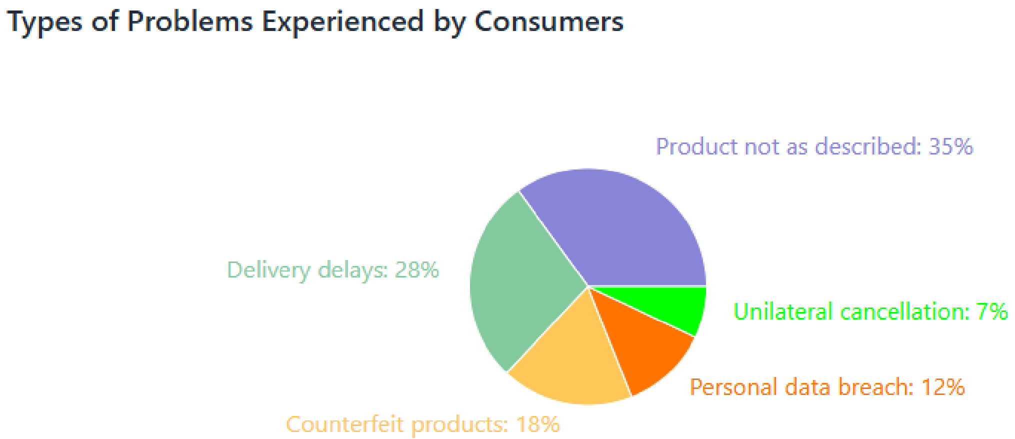
b. Case of unilateral cancellation by a seller on Shopee – Orders are canceled without customer consent. Although funds are refunded, there is no compensation for lost time and potential missed promotional pricing.
c. Bukalapak personal data breach – Consumers received product offers from third parties without their permission. An internal investigation failed to produce transparent results, and consumers received inadequate explanations.

These three cases demonstrate that even though platforms have complaint mechanisms, transparency of the process and speed of dispute resolution remain major challenges. The following graph shows the types of problems experienced by consumers:



Graph 2. Types of Problems Experienced by Consumers

This graph shows the types of problems consumers most frequently experience with online transactions. The results show:

- Items not as described ranked at the top, indicating that inaccurate product information is a major source of complaints.
- Delivery delays are the second most common problem, reflecting constraints on logistics management.
- Counterfeit goods present serious challenges in quality control and seller verification.
- Unilateral cancellation by the seller indicates weak transaction certainty for consumers.
- Personal data leaks, although smaller in percentage compared to other issues, carry a high risk because they have the potential to harm consumers in the long term and reduce public trust.

d. Obstacles to the Implementation of Legal Protection

From the analysis results, the main obstacles in implementing consumer protection in the Indonesian marketplace include:

- Low consumer legal literacy: Many consumers do not know their rights or the proper complaints procedures.
- Lack of government oversight: The oversight function is more administrative than substantive, so that certain violations go unpunished.
- Imbalance of bargaining power: Consumers are in a weaker position compared to platforms or sellers, particularly in disputes that involve technical evidence.
- Limited access to external dispute resolution: Most disputes are settled internally by the platform without the involvement of the Consumer Dispute Resolution Agency (BPSK) or other independent institutions.

The findings indicate that legal protection for consumers in online transactions through marketplace platforms in Indonesia is supported by a relatively comprehensive normative

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framework. However, as emphasized by Hartono (2021), the availability of regulations does not necessarily translate into effective implementation. In practice, legal effectiveness depends on three elements: legal substance, legal structure, and legal culture. The substantive aspect, particularly under the Consumer Protection Law (UUPK), the Electronic Information and Transactions Law (ITE Law), Government Regulation No. 80 of 2019, and Ministry of Trade Regulation No. 50 of 2020, has incorporated principles of consumer protection aligned with technological developments. Nevertheless, weaknesses are evident in the legal structure, as supervisory institutions such as the National Consumer Protection Agency (BPKN) and the Ministry of Trade still face resource limitations and lack effective coordination mechanisms to monitor marketplace activities in real time. From a preventive legal protection perspective, Hadjon (2020) highlights the importance of dispute prevention mechanisms through clear regulations and transparent information. The results of this study confirm this view: most consumer disputes in marketplaces could be avoided if product information, return policies, and claim procedures were displayed clearly and consistently. Unfortunately, the internal policies of each marketplace remain highly diverse and lack a standardized national framework. This finding is consistent with Setiawan and Maulana (2021), who argued that differing platform policies create legal uncertainty for consumers, as rights and claim procedures vary depending on the platform used.

From a civil law perspective, the legal relationship between consumers, business actors, and marketplace platforms constitutes an electronic contract subject to the general principles of contract law. Raharjo (2022) explains that electronic contracts carry the same legal force as conventional written contracts as long as they fulfill the validity requirements of an agreement. However, consumers' bargaining power within electronic contracts is often weak, since standard contract terms are unilaterally drafted by platform providers. This finding is illustrated in the case of Shopee, where consumers had no negotiating space regarding order cancellation clauses, which potentially conflicts with Article 18 of the UUPK prohibiting unfair standard clauses detrimental to consumers. In terms of dispute resolution, Zahra and Fadilah (2023) observed that internal platform mechanisms are often faster than litigation but lack transparency. This aligns with the findings of this study, which found that dispute resolution on Tokopedia and Bukalapak takes relatively short time but does not always provide consumers with clarity about the process. Transparency is crucial for consumers to understand the rationale for decisions made, thus preventing the perception of platform bias toward sellers. Repressive legal protection in Indonesia also faces challenges related to the accessibility of external dispute resolution institutions.Nasution & Iskandar, (2022)noted that the Consumer Dispute Resolution Agency (BPSK) as an alternative forum is still rarely utilized by online consumers. Contributing factors include minimal outreach, indirect costs (transportation, time), and the perception that the BPSK is more relevant for conventional disputes. The results of this study indicate that the majority of disputes in marketplaces end up within the platform without escalating to the BPSK, thus limiting the potential for formal legal enforcement.

One aspect of concern in this research is the protection of consumer personal data.Kusuma & Aditya, (2024)emphasizes that in the digital era, consumer protection encompasses not only physical and economic aspects but also the security of personal information. The data breach case at Bukalapak identified in this study demonstrates the platform's weak control over third parties exploiting consumer data for unauthorized marketing purposes. Although Law No. 27 of 2022 concerning Personal Data Protection has been enacted, its technical implementation in marketplaces requires stronger integration with consumer protection policies. This relates to the theory of access to justice proposed byCappelletti & Garth, (2020)Barriers such as low consumer legal literacy and complex complaint procedures reduce public access to justice. This study found that most consumers do not pursue their disputes through legal channels due to limited knowledge, costs, and time. This situation suggests that efforts to improve legal literacy are an integral part of consumer protection strategies in the digital era. Furthermore, the disparity in policies between platforms is also related

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to the concept of legal certainty.Marzuki, (2021)argues that legal certainty is only achieved if legal norms are applied consistently and predictably by all parties. The fact that Tokopedia, Shopee, and Bukalapak have significant differences in their claims and returns procedures indicates a potential violation of this principle. Consumers who use more than one platform are potentially confused by differing policies, which in turn can undermine trust in the e-commerce system.

The results of this study also emphasize the need for regulatory harmonization.Wijaya, (2023)emphasizes the importance of policy synchronization between the government and platform providers to create a safe e-commerce ecosystem. This harmonization involves not only standardizing consumer protection policies but also strict oversight mechanisms and sanctions for violations. In this regard, the government's role is central in encouraging marketplace providers to adopt policies that align with the Consumer Protection Law and its derivative regulations. From a consumer empowerment perspective,Herlambang, (2021)argue that legal protection will not be effective if consumers are not proactive in demanding their rights. This research supports this view, as low levels of consumer reporting of losses are a major obstacle to enforcing legal protection. Therefore, public education regarding consumer rights, complaint procedures, and dispute resolution mechanisms needs to be improved through collaboration between the government, marketplace platforms, and civil society organizations. Overall, the findings of this research indicate an imbalance between the relatively comprehensive normative legal framework and weak practical enforcement. This condition can be explained through the theory of law in action, which states that the success of the law is determined not only by the text of the regulations, but also by implementation and supervision in the field. Marketplaces in Indonesia currently have adequate consumer protection features, but they are not yet fully integrated with the national legal system, both in terms of dispute resolution mechanisms and personal data protection. Based on the research results and literature, strategic recommendations that can be proposed include: (1) standardizing consumer protection policies across all marketplace platforms that refer to national regulations; (2) strengthening substantive oversight by the government, not just administrative ones; (3) increasing consumer legal literacy through public campaigns and cross-sector collaboration; and (4) integrating personal data protection into consumer protection policies in each marketplace. Implementing these recommendations is expected to strengthen comprehensive consumer legal protection and increase public trust in online transactions in Indonesia.

Conclusions

Based on the research results and discussion, it can be concluded that legal protection for consumers in online transactions on marketplace platforms in Indonesia has a fairly comprehensive regulatory basis through the Consumer Protection Law (UUPK), the ITE Law, Government Regulation No. 80 of 2019, the Minister of Trade Regulation No. 50 of 2020, and the Personal Data Protection Law, however, the effectiveness of its implementation is still hampered by weak supervision, imbalanced consumer bargaining power, differences in policies between platforms, low legal literacy, and limited access to external dispute resolution mechanisms. This study proves that the protection received by consumers is more determined by the internal policies of each marketplace than the direct application of national legal instruments, so that to achieve the research objectives, strategic steps are needed in the form of standardizing consumer protection policies across platforms, strengthening the government's role in substantive supervision, integrating personal data protection, and increasing consumer legal literacy to create an online transaction ecosystem that is safe, fair, and just for all parties.

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