

Consumer Protection Law in the Digital Era

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ABSTRACT: In the context of e-commerce in the digital era, consumer protection is becoming increasingly important in order to address challenges such as data security, adaptive law enforcement, and the need for effective regulation. This article employs a normative legal research approach to analyze pertinent regulations pertaining to consumer protection in online transactions, including the Consumer Protection Law and the ITE Law in Indonesia. The primary challenges include a lack of consumer awareness of their rights in the context of digital transactions and the necessity for regulatory reform to keep pace with the rapid development of digital technology. This study also underscores the significance of enhanced consumer education and the necessity for continuous regulatory reform to guarantee adequate consumer protection in the context of an increasingly intricate e-commerce milieu.

KEYWORDS: Consumer protection; E-commerce; Digital era

INTRODUCTION

The advancement of technology in the current era of the Fourth Industrial Revolution greatly aids humans in performing various activities more effectively and efficiently across various sectors. The Fourth Industrial Revolution is a comprehensive transformation that encompasses all aspects of production in the industry through the integration of digital technology and the internet with traditional industries (Sawitri, 2019). The internet has entered a new phase in the development of the global economy, often referred to as the digital economy. The advent of the digital economy is evidenced by an increase in economic activities that utilize the internet as a communication tool. In particular, the use of e-commerce as a transaction platform has seen a notable surge in commerce.

The advent of the digital age has precipitated profound alterations in consumer preferences and shopping behavior, precipitating a notable shift towards e-commerce platforms. The accessibility, the availability of a vast array of products, and competitive pricing are the primary factors that draw consumers to these platforms. However, this shift also engenders challenges pertaining to the protection of rights, privacy, data security, product quality standards, and dispute resolution mechanisms. Transaction security has become a paramount concern, necessitating robust data protection through encryption and secure computing protocols. Moreover, product quality and fair pricing remain crucial factors in determining customer satisfaction (Febriyanti et al., 2020).

In this context, consumer protection as a legal discipline is constituted by and encompasses principles that regulate and ensure the protection of consumer interests. As codified in Law Number 8 of 1999 concerning Consumer Protection in Indonesia, this law asserts that consumer protection is a series of efforts aimed at providing legal certainty to safeguard consumers (Wahyudi et al., 2022). Moreover, consumer protection in the fintech sector is of considerable importance, given that fintech facilitates transactions in e-commerce. Consumer protection in the fintech sector is carried out in two ways: preventively through regulatory frameworks and repressively by providers as well as the Financial Services Authority (OJK) (Iskandar et al., 2023a; Jaman, 2017; Yuliana, 2022).

The protection of consumers in online transactions in Indonesia is regulated by a number of legal instruments, including Law Number 8 of 1999 concerning Consumer Protection (UUPK) and Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE). The UUPK and UU ITE provide an adequate legal framework for the protection of consumers engaged in the purchase and sale of goods through e-commerce platforms. The scope of regulation under UUPK and UU ITE encompasses consumer rights, the obligations of business actors, and dispute resolution mechanisms. Moreover, consumer protection in the purchase of digital items within online gaming applications is also ensured by UUPK and UU ITE. In the event of a consumer experiencing a loss in an online transaction, they may pursue redress through extrajudicial settlements or through court proceedings. Nevertheless, the challenges to consumer protection in the digital era include inadequate law enforcement, resource limitations, and

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June consumer awareness. (Natamiharja et al., 2022; Yarali et al., 2020). Consequently, policy alterations, augmented investment, and enhanced collaboration among stakeholders are essential for the effective implementation of consumer protection in the digital age.

The exponential growth of the e-commerce sector in Indonesia can be attributed to a confluence of factors, including enhanced internet connectivity, the pervasive use of smartphones, and the advent of innovative digital payment systems. This growth presents significant economic opportunities, yet consumers face new challenges, including cyber fraud, misleading advertisements, counterfeit products, and inadequate complaint handling mechanisms. Cyber fraud represents a significant challenge in the e-commerce sector, manifesting in various forms, including unauthorized fund acquisition, digital extortion, and fraud against the government. Moreover, misleading advertisements are problematic as they can provide false or deceptive information about products, which may result in consumer losses. (Chen et al., 2022; Hartati et al., n.d.).

The issues previously discussed represent only a small fraction of the numerous challenges encountered in conducting business in the digital era. As technological advancements continue to evolve, these challenges will become increasingly complex. In order to guarantee the rights of all individuals engaged in digital business, particularly consumers, it is essential to assess the efficacy of existing regulations in addressing each emerging issue. In the event that these regulations prove to be ineffective, it becomes necessary to implement updates and revisions. (Yustina et al., 2021)

The efficacy of legal work in society is manifested when laws are implemented and observed by the community. Laws are designed to regulate societal behavior in order to achieve the desired goals set during their formation (Nugrahaningsih, 2017). The rapid evolution of technology and digital business models necessitates the enactment of consumer protection laws that can adapt to these developments. Regulations that are inflexible and fail to keep pace with technological advances will be unable to provide effective consumer protection. Consequently, consumer protection legislation must be crafted in a manner that allows for flexibility and responsiveness to changes in the digital environment.

Consequently, researchers are engaged in a discourse on the subject of "Consumer Protection Law in the Digital Era." With the formulation of the primary research question, namely: The question of consumer protection in the digital era, including in e-commerce transactions, is of interest to researchers. What obstacles exist in the enforcement of consumer protection laws in the digital era?

RESEARCH METHODS

This article employs a normative legal research methodology, which examines laws and regulations as a relevant normative basis for the resolution of legal issues (Soerjono Soekanto and Sri Mamudji, 2015). As defined by Prof. Soerjono Soekanto, normative legal research is research conducted by analyzing library materials or secondary data as its primary source. This article employs two principal approaches: a conceptual approach to analyze and interpret the meaning of the legal terms utilized, and a case study approach to comprehend the implementation of legal norms or rules in legal practice, particularly through the examination of cases documented in jurisprudence. The legislative approach in this study is implemented by examining all pertinent rules and regulations pertaining to the legal issue under investigation. (Peter Mahmud Marzuki, 2011).

In research employing a conceptual approach, the objective is to conduct a comprehensive analysis of legal materials in order to elucidate the meaning inherent in the legal terminology utilized. In contrast, the case approach in normative research is designed to comprehend the manner in which legal norms or rules are operationalized in legal practice, particularly through case studies that have been documented in jurisprudence regarding legal issues that are the focus of the research. In the context of normative legal research, secondary data refers to information obtained indirectly through references such as books, documents, and other sources. In accordance with Soerjono Soekanto's perspective, secondary data is distinguished by the fact that the data is already available and can be utilized directly for a more comprehensive legal analysis. (Hajar, M., 2015). Secondary data is comprised of primary legal materials, secondary legal materials, and tertiary legal materials. The primary legal materials include the 1945 Constitution, the Civil Code, Law Number 8 of 1999 concerning Consumer Protection (UU PK), and Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE).

Secondary legal materials are sources that provide more in-depth explanations or analysis of primary legal materials. These include law books, scientific journals, and previous research that is relevant to the problem being researched by the author. (Peter Mahmud Marzuki, 2018). In contrast, tertiary legal materials serve as sources of information that provide explanations of primary and secondary legal materials. These materials can be found in various forms, including magazines, legal dictionaries, encyclopedias, and sources on the Internet. Examples of tertiary legal materials include the Legal Dictionary, the Great Dictionary of the Indonesian Language, the English-Indonesian Dictionary, the Dutch-Indonesian Dictionary, and so on. (Zainuddin Ali, 2014)

RESULT AND DISCUSSION

The protection of consumers in the digital era, including in e-commerce transactions

Consumer protection legislation, originally designed for physical transactions, now faces unique challenges when adapted to the dynamic e-commerce landscape. Research indicates that consumer protection regulations must address a number of issues specific

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to the digital context. These include the formation of online contracts, the disclosure of information, product liability, dispute resolution, and privacy rights. Comparative studies have revealed variations in consumer protection approaches across jurisdictions, indicating the necessity for strategies tailored to the cultural and legal context of each country. (Apriani & Syafrinaldi, 2022; Kristiyanti, 2022; Zouari & Abdelhedi, 2021).

The fundamental tenet of legal protection for consumers is that consumers and businesses are interdependent. The production of a product is of no value unless it is consumed or used by the consumer. The consumption of safe and satisfactory products will ultimately serve as a free form of promotion for businesses. (Abdul Halim Barkatullah, 2009). The issue of legal protection for consumers is of significant importance in the context of the growing global competition. In the context of intense global competition and the vast array of products and services available to consumers, legal protection is of paramount importance. (Vivek Sood).

In the context of e-commerce transactions, the legal aspects of consumer protection that are directly related to consumers include prohibited actions for business actors and their responsibilities. The prohibited actions for business actors are outlined in Articles 8 to 17 of the Consumer Protection Law. This stipulation may be invoked in instances where it can be demonstrated that the goods and/or services being traded via e-commerce contravene the aforementioned regulations. Furthermore, the prohibition on deceptive advertising directed at consumers is also encompassed within this domain. Business actors are prohibited from disseminating advertisements that convey the impression that the goods and/or services being offered are in good condition when, in fact, they are not. (Az. Nasution, 2001) In e-commerce transactions, business actors, including merchants, are held responsible for delivering goods and/or services that comply with the agreement. The obligations of business actors in accordance with the Consumer Protection Law are outlined in Articles 19 to 28. This stipulation is applicable when business actors engage in actions that result in losses to consumers, which may manifest as damage or contamination of the goods and/or services traded. This aspect of responsibility does not only apply to business actors engaged in the production of goods and/or services, but also includes advertising business actors and importers of goods or foreign service providers.

Online transactions, like conventional transactions in the physical world, involve parties that are not in direct contact with one another. Communication and exchange of goods are conducted via the Internet. In the context of online transactions, the parties involved include sellers or merchants who offer products via the internet as business actors, buyers or consumers who receive offers from sellers or business actors and want to make transactions to purchase the products offered, and banks that act as intermediaries in the process of distributing funds from buyers to sellers or business actors/merchants. In online transactions, the seller and buyer are typically situated in disparate locations, necessitating the use of intermediaries such as banks or internet access service providers to facilitate the transfer of funds. (Makarim)

The primary objective of consumer protection is to foster a sense of security among consumers in meeting their basic living needs. In interactions within society, particularly in the context of businesses utilising e-commerce, it is inevitable that disputes will arise. Disputes or disputes in e-commerce business transactions may be caused by non-compliance from the parties, including failure to fulfill obligations, fulfillment of obligations that do not meet expectations, or late fulfillment of obligations. The legal relationship between providers of goods and/or services and consumers ultimately results in the formation of rights and obligations that serve as the basis for responsibility. This responsibility is essentially a component of the concept of legal obligations. Basic norms then establish the obligation to comply with legal regulations and be responsible for the implementation of these legal regulations. In essence, business actors may be held liable for losses incurred by consumers as a result of their failure to comply with legal obligations in a range of transactions conducted through various channels. (Yahya Ahmad Zein, 2009)

In essence, consumer legal protection instruments in trade transactions manifest themselves in two distinct forms of regulation. Firstly, legal protection is afforded by certain legislation that is applicable to all individuals involved in the transaction. Secondly, legal protection is based on special agreements made by the relevant parties, such as provisions regarding compensation, claim submission period, dispute resolution, and others. This instrument is considered effective because legislation can serve as the basis for both parties in making agreements, and the government can supervise the implementation of the law through available tools. (Roberto Ranto, 2019)

The legal aspects of consumer protection that apply in Indonesia are effective if business actors and consumers are in the same jurisdiction, namely Indonesia. However, difficulties arise when the parties involved in a transaction are situated in different jurisdictions. For business actors situated outside of Indonesia, the application of the law is contingent upon the prior agreement between the parties, which is typically established through a choice of law clause in the contract. For instance, Amazon.com's terms of use stipulate that all transactions are subject to the laws of the State of Washington. The Indonesian Consumer Protection Act does not include specific regulations pertaining to this matter. In the event of a dispute, international civil law, including treaties and jurisprudence, is the most appropriate legal instrument to employ. (AZ. Nasution, 2001)

The difficulties encountered in the enforcement of consumer protection legislation in the digital age

The law in the digital context reflects the reality that various human activities, including business, entertainment, and communication, are increasingly integrated with digital technology and the Internet. It is thus imperative that regulations in this domain be cross-border and global in nature, in order to effectively address the challenges and issues that arise in the ever-evolving digital world. The evolution of these legal frameworks may differ across national and regional contexts. However, there are ongoing

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efforts to establish global consensus and standards in select areas. The application of digital technology and the process of globalization have brought about significant benefits in the context of legal practice. These regulations facilitate the establishment of a uniform and globally coordinated legal framework to address the challenges that arise from the utilization of information technology and the internet. The advantages of this approach include the protection of individual rights pertaining to data privacy and cybersecurity, the establishment of a transparent framework for cross-border business and e-commerce, and the provision of support for global law enforcement. (Agus Wibowo, 2023)

This Consumer Protection Law stipulates the obligation for service providers in the digital era to provide adequate protection for consumers' personal information and emphasizes the obligation to maintain the security and confidentiality of consumer data (Milafebina et al., 2023). This legislation underscores the prerogative of consumers to elect whether or not to permit the utilization of their personal data, particularly in the context of digital transactions. Furthermore, it establishes legal penalties for infringements upon consumers' privacy rights, including those instances where market manipulation is concerned (Barkatullah & others, 2019). The aforementioned provisions serve to provide a robust legal foundation for the protection of consumers from manipulative practices in the digital age, while simultaneously affording them the requisite rights and protections in electronic transactions.

The implementation of personal data protection, particularly in the context of e-commerce and digital technology, is confronted with a number of significant challenges. A lack of public awareness regarding the significance of data protection frequently results in consumers and businesses disregarding recommended practices. Ensuring adequate data security necessitates a substantial investment in technological infrastructure, which may prove onerous for small and medium-sized enterprises (SMEs). Furthermore, there are constraints in the availability of personnel with expertise in data security and protection (Uno & Nina Lamatenggo, 2022). Furthermore, law enforcement presents a significant challenge due to the rapid evolution of technology, including the difficulty in tracing cross-border data breaches. In light of the mounting risk of cyberattacks and data leaks, a dynamic and proactive security approach is imperative (Jayanti & others, 2019). Another challenge is the need to find a balance between innovation and consumer data privacy. Finally, the ongoing evolution of data protection regulations at the global level, such as the General Data Protection Regulation (GDPR), necessitates that companies remain flexible and adaptable. To surmount these challenges, it is imperative that cross-sector collaboration involving government, industry, and civil society be fostered in order to develop a robust legal framework, heighten awareness, and guarantee the security of the technological infrastructure (Erwin et al., 2023).

The Consumer Protection Law in Indonesia, similar to many other jurisdictions, has undergone adjustments to address the challenges posed by e-commerce. Nevertheless, the efficacy of these amendments in safeguarding consumer rights in the digital domain remains uncertain. As e-commerce platforms evolve, new layers of complexity emerge that require ongoing evaluation of regulatory strategies and enforcement mechanisms to adapt to changes in the landscape. (Irsan et al., 2023)

These combined findings underscore the complex relationship between consumer protection and e-commerce in Indonesia.

Despite the existence of consumer protection legislation, challenges remain in the implementation and enforcement of such laws. This study underscores the necessity for a comprehensive strategy that encompasses enhanced regulatory measures and consumer education initiatives. (Irsan et al., 2023)

a. Awareness and Education
The data indicates a significant lack of awareness among consumers regarding their rights and mechanisms for redress. It is of the utmost importance to reinforce consumer education initiatives, both at the governmental level and among e-commerce platforms. This is essential to empower consumers with the knowledge required to navigate the digital marketplace with confidence. (Irsan et al., 2023)

b. Regulatory Reform

The study underscores the necessity for continuous regulatory adaptations in accordance with the transforming e-commerce environment. It is recommended that existing consumer protection legislation be reviewed and updated in order to address new challenges, technological advancements, and cross-border transactions. Furthermore, the harmonization of consumer protection laws across ASEAN countries could contribute to the establishment of a more uniform and effective legal framework. The involvement of consumers in cross-border transactions, which are often characterised by intricate rules and regulations, presents a significant challenge in ensuring the consistent enforcement of consumer rights across different jurisdictions. (Irsan et al., 2023).

The discussion in the Webinar on Consumer Dispute Resolution in the Digital Era revealed that Law Number 8 of 1999 concerning Consumer Protection has not been able to accommodate the needs of disruption in the development of the digital economy. This has resulted in a legal vacuum in regulating electronic transactions between business actors and consumers. This legal vacuum is partially addressed by Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE). Nevertheless, the ITE Law, despite its limitations, does not specifically regulate transactions between business actors and consumers. Furthermore, there is a dearth of regulations that provide protection and mechanisms for resolving consumer disputes that occur online. Consequently, it is imperative to provide clarity in laws and regulations, including the protection of electronic transactions, dispute resolution, and law enforcement in the field of consumer protection, in order to effectively address these challenges. In order to reform consumer protection regulations, it is necessary to innovate dispute resolution mechanisms. One such innovation is the implementation of an online dispute resolution (ODR) model, which is more effective and efficient than traditional dispute resolution methods. (Hukum Online, 2021)

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The government has not demonstrated an adequate response to changes and developments in technology. This is evidenced by the absence of amendments to the legislation and regulatory framework pertaining to the Consumer Protection Law since 1999, which was enacted prior to the advent of the digital age. Consequently, the Consumer Protection Law has not technically regulated provisions related to consumer protection in digital technology-based buying and selling transactions. Similarly, the ITE Law and other related regulations have not provided detailed consumer protection regulations for transactions conducted via digital media.

(Nugrahaningsih, 2017)

d. Technology Solutions

In light of the pivotal role that technology plays in e-commerce, the implementation of innovative solutions such as blockchain for product traceability and secure payment systems can serve to enhance consumer protection by reducing the risk of fraud and counterfeiting. (Irsan et al., 2023)

CONCLUSIONS

The advent of the Industrial Revolution 4.0 has witnessed a profound transformation in various sectors, particularly through the integration of digital technology and the internet with traditional industries. The Internet, as the foundation of the digital economy, has reinforced the significance of e-commerce in global trade, fundamentally transforming consumer preferences and shopping behavior. However, this development also presents new challenges related to the protection of consumer rights, privacy, and data security. In Indonesia, consumer protection in the digital era is regulated by several laws, including Law Number 8 of 1999 concerning Consumer Protection and Law Number 11 of 2008 concerning Information and Electronic Transactions. Nevertheless, significant challenges remain in the enforcement of these laws, particularly in relation to the limited resources available and the lack of consumer awareness. One of the primary challenges in e-commerce is the prevalence of cyberfraud, misleading advertising, and the sale of counterfeit products. To address these issues, stronger data protection through encryption and security protocols is essential. Moreover, product quality and fair prices remain crucial factors in customer satisfaction. In order to remain effective, consumer protection regulations in Indonesia must continue to be adjusted to developments in technology and digital business models. To achieve effective law enforcement, it is necessary to implement policy changes, increase investment, and establish effective coordination between stakeholders. Furthermore, it is of the utmost importance to enhance consumer awareness and education in order to empower consumers in their dealings with the challenges presented by the digital market. Furthermore, the reform of consumer protection regulations must encompass innovation in dispute resolution, such as the implementation of a more efficient online dispute resolution model. Consequently, consumer protection in the digital era can be achieved effectively, guaranteeing legal certainty and providing a sense of security for consumers in online transactions.

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