

Consumer Protection in E-commerce Transactions in Indonesia: a Case Study of Fraud in Online Purchases

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Abstract

The rapid growth of e-commerce in Indonesia provides convenience in conducting transactions, but also increases risks for consumers, especially regarding online fraud such as unrealized delivery of goods or unreal sellers. The purpose of this study is to evaluate how effective legal protection is for consumers who are victims of fraud in electronic transactions. The method used in this research is normative juridical with a case study approach to examine existing regulations and their implementation in the field. The research findings show that legal protection for consumers in Indonesia has been regulated through Law No. 8/1999 on Consumer Protection and Law No. 11/2008 on Electronic Information and Transactions, but its implementation still faces various challenges, such as weak control, difficulty in proving the identity of the perpetrator, and the low level of digital literacy of the community. The case studies analyzed show that legal measures taken against e-commerce fraud often do not provide adequate resolution for victims. Therefore, there is a need to strengthen regulations, improve monitoring mechanisms for e-commerce platforms, and provide education to consumers to reduce the risk of fraud in online transactions.

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1. INTRODUCTION

The development of information and communication technology in the current era of globalization has brought fundamental changes in various aspects of human life, especially in the field of trade. The concept of traditional trade that relies on physical meetings is slowly shifting to digital trade (e-commerce), where the buying and selling process can be done online without time and location restrictions. Indonesia, as the country with the fourth largest number of internet users in the world, is one of the e-commerce markets that has experienced extraordinary growth in the last decade. (Farhan, A., & Roroa, N. A. F. (2024).)

Based on reports from the Indonesian Internet Service Providers Association (APJII) and information from various digital industry research institutions, the number of internet users in Indonesia continues to experience a significant increase every year. This situation also contributes to the increasing value of e-commerce transactions in the country. The various conveniences offered by e-commerce platforms, such as speed in transactions, a variety of product choices, flexibility in payments, and ease of access, have made the consumption behavior of the Indonesian people shift massively towards digitalization.

However, behind this rapid growth, new challenges have emerged that are no less serious, especially those related to transaction security and consumer protection. Fraud in e-commerce can occur in various forms, such as goods not being sent, products that do not

match the description, fake sites that are similar to official marketplaces, to misuse of consumers' personal data. Data from the Ministry of Communication and Informatics (KOMINFO) recorded more than 405,000 reports of online transaction fraud between 2017 and 2022. This fact shows that Indonesian consumers are still very much at risk of cybercrime when shopping online.

From a legal perspective, consumer protection is an important element in creating fair and balanced transactions between business actors and consumers. Prof. Huala Adolf stated that consumer protection is an aspect of economic law that aims to balance the unbalanced relationship between business actors and consumers, especially in electronic transactions that are carried out remotely and without clear identities. The imbalance of information in e-commerce often puts consumers in a weak position and does not have the power to obtain or check product information thoroughly.

In the realm of e-commerce, the responsibility of business actors can be applied based on the principle of absolute responsibility, as expressed by R. Subekti, namely responsibility that arises without the need to prove any fault. This is relevant when consumers experience losses due to system failure or negligence of the digital platform in ensuring transaction security.

In terms of law, Indonesia actually already has several regulations that aim to protect consumers in electronic transactions. One of them is Law Number 8 of 1999 concerning Consumer Protection which protects the basic rights of consumers, and Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments which provide a legal basis for the validity of electronic transactions and protection against digital crimes. (Basri, H. (2020).) Not only that, the Regulation of the Minister of Trade Number 50 of 2020 also stipulates special provisions regarding trade in electronic systems. (Purba, S. D. (2022).)

Although laws on consumer protection already exist, in reality their effectiveness is still far from ideal. Many consumers have difficulty in utilizing dispute resolution mechanisms, face problems in proving their cases, or do not get the justice they deserve due to weak supervision of business actors in cyberspace. In addition, the low digital skills of the community and the inadequacy of identity verification systems on various e-commerce platforms make this situation even more difficult. (Priliasari, E. (2023).)

With this background, this study aims to further analyze how legal protection can be applied to consumers who face fraud in e-commerce transactions, especially in cases where goods are not received or are related to unreal sellers. This study will also try to identify the challenges faced in implementing such legal protection and provide constructive suggestions for improving the consumer protection system in the digital era.

2. RESEARCH METHOD

This study applies a normative legal approach, namely a study in the field of law that emphasizes analysis of legal regulations and relevant theories. The purpose of this study is to examine how consumers are legally protected in cases of fraud that occur in online transactions, as well as to identify various obstacles in its implementation. The data used are secondary data, consisting of primary legal materials (such as the Consumer Protection Law, the ITE Law, and the PMSE PP), secondary legal materials (including journals, books, and scientific articles), and tertiary legal materials. The data collection method used is a literature study, and data analysis is carried out using a qualitative descriptive approach to explain and interpret legal norms and their application in a structured manner.

3. RESEARCH RESULTS AND DISCUSSION

Developments in information and communication technology have significantly changed the way Indonesian people transact. Easier internet access and increased e-commerce encourage people to switch to digital transactions to meet various needs. However, behind this convenience, there is a serious challenge in the form of increasing fraud rates in online transactions. Based on data from the Ministry of Communication and Informatics (Kominfo), from 2017 to 2022, there were more than 405,000 reports of fraud in online transactions. This figure shows an emergency situation regarding digital consumer protection in Indonesia.

There are many types of fraud reported, ranging from fraud in general transactions, fictitious online investment fraud reaching 19,000 cases, to fraud in online buying and selling as many as 12,000 cases. This phenomenon shows a major weakness in the digital security system and low legal protection for consumers. Not everyone has sufficient digital literacy skills to recognize fraud patterns, while law enforcement and regulatory systems often cannot keep up with the development of technology and increasingly diverse cybercrime methods. Therefore, it is important to analyze more deeply: What are the obstacles that hinder the implementation of consumer protection from fraud in online transactions in Indonesia? And how efficient is the legal system in Indonesia in providing protection and justice for victims of digital crime?



<https://asliri.id/blog/cegah-penipuan-online-literasi-digital-saja-tidak-cukup/>

3.1. Research result

This study shows that fraud in online transactions has become a widespread problem in Indonesia. According to information collected from the Ministry of Communication and Information (Kominfo), there were more than 405,000 reports of online transaction fraud cases from 2017 to 2022. The most common types of fraud include: Fake pre-order mode (where consumers make payments in advance, but the goods are never received). , Goods that do not match the description, either in terms of quality, quantity, or brand. Fake sites or platforms that resemble official marketplaces. , Fake seller identities and the use of fake accounts to avoid detection. Fraud that occurs on social media, especially on platforms that do not implement an escrow system or joint account.

Respondents in this study were mostly productive-aged individuals (20–40 years old), and more than 65% of them admitted that they did not know where to report when they experienced losses due to online fraud. Others thought that the reporting procedure was too complicated, unclear, and did not provide satisfactory results.

3.2. Discussion

1. Obstacles in the Implementation of Consumer Protection against Fraud in Online Transactions

Although there is legal protection in the form of laws and related regulations, in reality there are still many obstacles in the field that make consumers not completely safe. These obstacles include:

- **Information and Position Imbalance:** As explained in the Information Equilibrium Theory, the information imbalance between consumers and businesses is the source of many frauds. Consumers do not have sufficient access to accurate, complete, and correct information about products or sellers. This is made worse by the ease of creating fake accounts and disguising digital identities.
- **Weak Law Enforcement:** According to Erman Rajagukguk, although the Consumer Protection Law provides normative guarantees for consumer rights, law enforcement in Indonesia is still reactive and does not solve the problem in depth. Many cases of fraud are not followed up by the authorities because the value of the loss is small or the perpetrators are difficult to track. (Rauf, A., Rahman, S., & Razak, A. (2024).)
- **Low Legal and Digital Understanding Among Consumers:** Most consumers are not fully aware of their rights as consumers in online transactions. Their insight is limited to how to make transactions, without knowing about legal protection, reporting procedures, or rights to compensation.
- **Unclear Platform Liability:** Several large marketplaces have implemented security systems such as identity verification and escrow, but their implementation is not yet comprehensive. Based on the theory of Strict Liability by R. Subekti, business actors, including platform providers, should be held accountable for losses experienced by consumers, without requiring proof of fault, if they are negligent in creating a secure system.
- **No Special Institution for Digital Consumer Protection:** Currently, there is no single institution that focuses on consumer protection in the digital realm. Handling is still fragmented across various institutions such as Kominfo, BPSK, and OJK (for fintech), without coordination and an integrated reporting system.

2. Forms of Legal Protection for Consumers in Online Transactions

According to Prof. Huala Adolf, the theory of consumer protection indicates that the purpose of legal protection is to create a balance between business actors and consumers, who are often in a disadvantageous position due to lack of information and access. In the world of e-commerce, this difference is even more striking due to the anonymity factor in cyberspace, information asymmetry, and low transparency during transactions.

The Principle of Absolute Liability is a legal idea that regulates liability without fault, where business actors can be held responsible for losses experienced by consumers without having to prove any element of fault. This concept has been applied in various aspects of law in Indonesia, including in consumer protection. The Theory of Distributive Justice put forward by John Rawls in his work *A Theory of Justice* introduces the idea of "justice as fairness," which emphasizes the importance of a fair distribution of rights and obligations in society (Christian, A., Nabilah, A., & Ajie, S. (2025)). In terms of consumer protection, this theory supports the need for a legal system that guarantees equal protection for every individual, including consumers, of their rights.

In Indonesia, legal protection for consumers in online transactions has been regulated through a number of regulations, including:

a. Positive Legal Normative: Legal protection for consumers is stated in various regulations, including:

- Law No. 8 of 1999 concerning Consumer Protection, UUPK regulates consumer rights in general, including the right to comfort, security, and safety in the use of goods and/or services. In the realm of e-commerce, UUPK emphasizes that consumers have the right to receive goods that are in accordance with the description and specifications promised. Business actors are required to be responsible for incorrect information, deviations in quality, or losses experienced by consumers due to their negligence.
- Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE), provides recognition of electronic transactions as a form of legitimate agreement. In addition, Article 28 paragraph (1) prohibits any individual from intentionally spreading false or misleading information that is detrimental to consumers in the context of electronic transactions. This is the basis for prosecuting online fraudsters, especially in matters of unreal buying and selling.
- PP No. 80 of 2019 concerning Trading Through Electronic Systems, which includes provisions on the responsibilities of business actors and the obligation to report to electronic systems.

b. Responsibilities of Business Actors (E-Commerce Platform)

In practice, business actors, both those acting as sellers and as platform providers, have a legal responsibility to ensure that the products sold are genuine and the transactions carried out are safe. Sitepu, D. P. B., Manurung, A. F. R., Zulkifli, S., & Noor, T. (2024).) If the platform fails to check sellers or ignores complaints from consumers, they may be held legally liable under the principle of Strict Liability.

c. Disputes and Settlement Mechanisms

Consumers have the right to submit complaints via:

- BPSK (Consumer Dispute Resolution Agency) as a problem resolution path that does not involve the courts.
- Complaints to the Ministry of Communication and Information through the aduankonten.id portal.
- Report serious cases of fraud to law enforcement.

However, the effectiveness of this mechanism still needs improvement. Many consumers reported not getting a good response or resolution after they filed a complaint.

d. Preventive and Educational Protection

The theory put forward by Huala Adolf highlights the importance of regulations that can adapt to technological developments. In this case, legal protection must not only be reactive, but also need to include preventive measures through: Education for consumers, Verification of business actor identities, Marking for official store accounts, and an automatic filtering system for fraudulent content by the platform. (FIRDA, N. (2024).)

4. CONCLUSION

Based on the findings and discussions regarding consumer protection in e-commerce transactions in Indonesia, especially related to the rampant cases of fraud in online purchases, it can be concluded that Indonesia actually has a fairly comprehensive legal

framework. Laws and regulations such as Law Number 8 of 1999 concerning Consumer Protection, the Law on Information and Electronic Transactions (UU ITE), and Government Regulation Number 80 of 2019 have normatively regulated consumer rights, including the right to security, comfort, correct information, and the right to obtain compensation.

However, the implementation of legal protection in the context of online transactions still faces a number of serious challenges. Some of the main obstacles identified include: low levels of legal and digital literacy among the public; minimal supervision and weak law enforcement against online fraudsters; unclear legal responsibilities between business actors and e-commerce platforms; and the difficulty of tracking the identities of cybercriminals due to limited technology and coordination between institutions.

In addition, until now there has been no integrated institution that specifically handles consumer protection in the digital realm as a whole. Dispute resolution and reporting mechanisms are still limited and have not been able to provide certainty and optimal legal protection. The application of the principle of strict liability or absolute responsibility that allows business actors to be held accountable without proof of fault has also not been effective in e-commerce practices in Indonesia.

Thus, consumer legal protection in e-commerce transactions still requires strengthening in terms of law enforcement, increasing public literacy, improving coordination between institutions, and affirming the responsibility of digital platforms to ensure a sense of security and consumer trust in online transactions.

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