

## CONSUMER PROTECTION LAW IN ELECTRONIC TRANSACTIONS: BETWEEN RIGHTS AND OBLIGATIONS IN THE DIGITAL ERA

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### Abstract

*The digital age has given birth to electronic transactions (e-commerce) that offer convenience, speed, and broad access. However, it also opens up potential risks for consumers, such as fraud, data theft, and other violations of consumer rights. This research analyses laws and regulations, government regulations, legal theories, and expert opinions to discuss efforts to improve the effectiveness of consumer legal protection in electronic transactions. This research method uses descriptive and qualitative, by using a descriptive approach to find out the rights and obligations of consumers in electronic transactions. Primary data used is based on Law No. 8 of 1999 concerning Consumer Protection. Secondary data was collected from previous related journal research and official documents. Data analysis uses qualitative methods with verbal interpretation and explanation. This research reveals findings related to consumer protection in electronic transactions contained in Law Number 8 Year 1999 on Consumer Protection and other laws and regulations. Consumers have the right to obtain information that is not misrepresented and covers all aspects, choose the product or service they want, get a fair price, guarantee the quality of the product or service, compensation for losses, and protection of personal data. Efforts to improve the effectiveness of consumer legal protection in electronic transactions require continuous updating and refinement of regulations, improving consumer digital literacy, socialising applicable regulations, increasing the capacity of law enforcement officials, facilitating consumer access to report violations, implementing more specific regulations for e-commerce, building an effective complaint system, and utilising technology for supervision and education technology for monitoring and education.*

**Keywords:** Legal Protection; Electronic Transactions; Challenges.

### Abstrak

Era digital telah melahirkan transaksi elektronik (e-commerce) yang menawarkan kemudahan, kecepatan, dan akses luas. Namun, hal ini juga membuka potensi risiko bagi konsumen, seperti penipuan, pencurian data, dan pelanggaran hak-hak konsumen lainnya. Penelitian ini menganalisis peraturan perundang-undangan, peraturan pemerintah, teori hukum, dan pendapat para ahli untuk membahas upaya meningkatkan efektivitas perlindungan hukum konsumen dalam transaksi elektronik. Metode penelitian ini menggunakan deskriptif dan kualitatif. dengan menggunakan

pendekatan deskriptif dengan untuk mengetahui hak-hak dan kewajiban konsumen dalam transaksi elektronik. Data primer yang digunakan berdasarkan UU No. 8 Tahun 1999 tentang Perlindungan Konsumen. Data sekunder dikumpulkan dari penelitian jurnal terkait sebelumnya dan dokumen resmi. Analisis data menggunakan metode kualitatif dengan interpretasi dan penjelasan verbal. Penelitian ini mengungkap temuan terkait perlindungan konsumen dalam transaksi elektronik tercantum dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen dan peraturan perundang-undangan lainnya. Konsumen berhak mendapatkan informasi yang tidak disalahartikan dan mencakup semua aspek, memilih produk atau jasa yang diinginkan, mendapatkan harga yang wajar, jaminan kualitas produk atau jasa, ganti rugi atas kerugian, dan perlindungan data pribadi. Upaya meningkatkan efektivitas perlindungan hukum konsumen dalam transaksi elektronik memerlukan pembaruan dan penyempurnaan regulasi yang berkelanjutan, meningkatkan literasi digital konsumen, mensosialisasikan regulasi yang berlaku, meningkatkan kapasitas aparat penegak hukum, mempermudah akses konsumen untuk melaporkan pelanggaran, menerapkan regulasi yang lebih spesifik untuk e-commerce, membangun sistem pengaduan yang efektif, dan memanfaatkan teknologi untuk pengawasan dan edukasi.

**Kata Kunci:** Perlindungan Konsumen; Transaksi Elektronik; Tantangan.

## INTRODUCTION

Digital transformation that brings economic transactions online, through e-commerce, brings convenience, speed, and broad access to the public. However, behind this convenience, there are potential risks for consumers, such as fraud, data theft, and other rights violations.<sup>1</sup>

The importance of legal protection for consumers in electronic transactions is increasing as the digital age develops. Consumers need to understand their rights and obligations when transacting online, and have access to appropriate regulatory strategies to resolve potential conflicts. The existence of strong legal protection is expected to increase consumer confidence in conducting online transactions, thereby encouraging sustainable growth of the digital economy. Repressive Legal Protection is one of the efforts focused on dispute resolution in the context of legal protection.<sup>2</sup>

Law Number 8 Year 1999 on Consumer Protection and other laws and regulations in Indonesia serve as a comprehensive legal

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<sup>1</sup>Cindy Atika Zulaeka et al., “Perlindungan Hukum Terhadap Konsumen Online,” *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 2, no. 4 (2024): 317–24.

<sup>2</sup>Parida Parida, Yuni Dhea Utari, and Suci Hijriyati, “Upaya Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual Beli Online E-Commerce,” *Causa: Jurnal Hukum Dan Kewarganegaraan* 3, no. 12 (2024): 101–12.

framework to protect consumers from unfair and misleading practices in electronic transactions.<sup>3</sup>

Some consumer rights in electronic transactions include: the right of consumers to obtain a clear and complete explanation of the product or service to be purchased; the right to choose the desired product or service; the right of consumers to obtain a fair and not excessive price; the right to obtain a guarantee of the quality of the product or service; the right of consumers to obtain compensation due to unfair and misleading practices in electronic transactions; the right to obtain personal data protection.<sup>4</sup>

On the other hand, consumers<sup>5</sup> also have obligations in electronic transactions, such as: the obligation to read and understand the information provided before conducting transactions; the obligation to submit accurate and comprehensive information regarding their identity; the obligation to maintain the confidentiality of their personal data; the obligation to complete transactions in a legal and orderly manner. Electronic system providers (PSEs) also have the responsibility to protect consumers in electronic transactions. PSEs are obliged to provide valid and complete data about available products or services, as well as guarantee the security of transactions and consumers' personal data.<sup>6</sup>

On 17 April 2020, a hacker named 'Why So Dank' was able to break into Tokopedia and 91 million users and 7 million merchants experienced data theft. Initially, it was claimed that 15 million accounts were hacked, but after investigation, the number was much larger. The stolen data included emails, passwords, and usernames. According to

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<sup>3</sup>Setya Indrawanto, *Merajut Keberlanjutan Usaha: Panduan Hukum Dagang Dan Bisnis* (PT Indonesia Delapan Kreasi Nusa, 2024).

<sup>4</sup>Ayuni Nilam Cahya and Amoury Adi Sudiro, "Perlindungan Hukum Terhadap Konsumen (Studi Kasus Informasi Flash Sale Menyebabkan Bagi Konsumen)," *UNES Law Review* 6, no. 3 (2024): 7839–49.

<sup>5</sup>Holijah Holijah and M Rizal, "Islamic Compensation Concept: The Consumer Dispute Settlement Pattern in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 98–114.

<sup>6</sup>Sean Sebastian P Sitompul, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Berdasarkan Undang-Undang No. 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik Dan Undang-Undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen," 2024.

cybersecurity expert Pratama Persadha, the results of this hack were first published on the dark web site Raid Forums.<sup>7</sup>

The government has an important role in ensuring legal protection for consumers in electronic transactions. The government needs to take proactive steps by providing socialisation and education so that people understand their rights and obligations in online transactions, as well as strengthening law enforcement against violations of consumer rights.<sup>8</sup>

In this digital era, understanding and implementing the rights and obligations of all parties involved in electronic transactions need to work well together to ensure the smoothness and security of the transaction process. Consumers need to be smart and critical consumers, and PSEs need to run their businesses responsibly and with integrity. Thus, electronic transactions can be a safe, convenient, and beneficial activity for all parties.

This research aims to fill the gap of previous studies. For example, research conducted by Ida Ayu Eka Pradnyaswari, et al in their research entitled ‘Legal Protection Efforts for Consumers in Sale and Purchase Transactions Using E-Commerce Services’ the results of the study that E-commerce consumer protection is not yet clear in the GCPL Law, but compensation can be submitted. Another research was conducted by Serlita Okky Vera with the research title ‘Protection of Consumer Rights in Electronic Transactions Via Shopee’.

The results of the study state that consumer protection law places business actors and consumers in the same position. Article 18 paragraph (1) of the GCPL prohibits the practice of including standard clauses that harm consumers in agreements. In addition, Haryono, et al in the title of the research conducted ‘Legal Protection of Consumers in E-Commerce Transactions in the Event of Default’ the results of the research explain that consumers are entitled to get the fulfilment of rights and compensation in the event of default. This is in accordance with the principle of justice in the provisions of Law Number 8 of 1999 concerning Consumer Protection (UUPK) containing the rights and obligations of consumers and business actors listed in Articles 4 to 7.

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<sup>7</sup>Muhammad Fathur, “Tanggung Jawab Tokopedia Terhadap Kebocoran Data Pribadi Konsumen,” in *National Conference on Law Studies (NCOLS)*, vol. 2, 2020, 43–60.

<sup>8</sup>Lenny Sriwijaya et al., “Peran Pemerintah Dan Sosialisasi Dalam Memperkuat Perlindungan Konsumen Di Industri Pinjaman Online,” *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 10, no. 5 (2023): 2504–17.

Based on previous research, there are still shortcomings that have not been discussed in depth regarding legal studies of consumer rights protection in electronic transactions as well as government and business obstacles in providing protection guarantees for consumers.

## **RESEARCH METHODS**

This research method uses descriptive and qualitative. by using a descriptive approach to find out the rights and obligations of consumers in electronic transactions. Primary data used is based on Law No. 8 of 1999 concerning Consumer Protection. Secondary data was collected from previous related journal research and official documents. Data analysis uses qualitative methods with verbal interpretation and explanation.

## **RESULTS AND DISCUSSION**

### **Legal Review of Consumer Rights Protection in Electronic Transactions**

The provisions regarding buying and selling have been regulated based on Articles 1457 to 1540 of the Civil Code (KUH Perdata). Article 1457 of the Civil Code explains that sale and purchase is an agreement in which one party (seller) is obliged to deliver goods to another party (buyer), and the buyer is obliged to pay the agreed price.<sup>9</sup>

The Consumer Protection Law (UUPK), specifically Article 1 point (1) of Law No. 8 Year 1999, affirms that consumers have the right to legal certainty and protection. In electronic transactions, buying and selling transactions involve two parties, namely the seller who offers goods and the buyer who wants to get the goods. Ideally, online transactions benefit both parties. However, ignorance about rights and obligations can trigger losses. Each party in an online transaction is responsible. Sellers are entitled to payment and protection from the actions of irresponsible consumers.<sup>10</sup>

Honesty and transparency are very important in online buying and selling transactions. Consumers' right to transparency of product or service information is key in building consumer trust. Violations of this principle can cause harm to consumers and open them up to liability. Consumers must be careful and meticulous when shopping online, especially against unreasonable price offers. Often, businesses use low-

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<sup>9</sup>H S Salim, *Hukum Kontrak: Teori Dan Teknik Penyusunan Kontrak* (Sinar Grafika, 2021).

<sup>10</sup>Dedy Fahrizal, Darwis Anatami, and Siti Nurkhotijah, "Analisis Yuridis Tanggung Jawab Pelaku Usaha Terhadap Konsumen Akibat Keterlambatan Penerbangan," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 2, no. 1 (2022): 15–27.

price strategies to attract consumers. Before ordering, consumers should verify the merchant's information, such as a valid phone number and address.<sup>11</sup>

Neglecting to fulfil an order or not fulfilling an agreed time for completion is a violation of Article 16 letter a of the GCPL committed by a business actor. Consumers are entitled to compensation, compensation, and/or replacement if the goods or services received are not in accordance with the agreement, as stated in Article 4 point 8 of the Consumer Protection Law (UUPK). This research shows that the rules on consumer protection for losses due to irresponsible transaction settlement by e-commerce businesses are clearly regulated in Article 19 of GCPL.<sup>12</sup>

Consumers are entitled to compensation for damage, pollution, and losses caused by economic actors. The affirmation of consumer rights is stated in Article 4 of the Consumer Protection Law (UUPK). Business actors who violate the inclusion of standard clauses may be subject to sanctions according to Article 16 paragraph 2. Business actors who abuse the situation violate their responsibilities and Article 4 of the GCPL on consumer rights. One example is including standard clauses that are not in accordance with Article 18 of GCPL. This can harm consumers and lead to default.<sup>13</sup>

The government's efforts in protecting personal data are also realised through Government Regulation No. 82/2012 regulating the security of electronic systems and transactions in Indonesia. In addition, Indonesia also has a local regulation similar to the GDPR, equivalent to a ministerial regulation governing the protection of personal data in electronic systems, namely the Minister of Communication and Information Technology Regulation No. 20/2016, setting standards for protecting personal data by emphasising the principles of transparency, openness, and individual privacy rights in data management.<sup>14</sup>

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<sup>11</sup>Abdul Halim Barkatullah, *Hukum Transaksi Elektronik Di Indonesia: Sebagai Pedoman Dalam Menghadapi Era Digital Bisnis e-Commerce Di Indonesia* (Nusamedia, 2019).

<sup>12</sup>Ida Ayu Eka Pradnyaswari and I Ketut Westra, "Upaya Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual Beli Menggunakan Jasa E-Commerce," *Kertha Semaya* 8, no. 5 (2020): 759.

<sup>13</sup>Serlita Okky Vera, "Perlindungan Hak Konsumen Dalam Transaksi Elektronik Via Shopee," *Badamai Law Journal* 6, no. 2 (2021): 338, <https://doi.org/10.32801/damai.v6i2.11811>.

<sup>14</sup>Fikri Surahman and Program Studi D-iii Statistika, "Tantangan Dalam Menjaga Keamanan Data Official Statistics Dari Serangan Cybercrime" 1, no. 11 (2023): 904–7.

The 2016 ITE Law is an amendment to the 2008 ITE Law. Some of the main objectives of the 2016 ITE Law are as follows:

**Table 1.** The main objectives of the 2016 ITE Law

No	The main objectives of the 2016 ITE Law
1	The ITE Law of 2016 regulates transaction identity, data, documents, and electronic signatures to ensure the legitimacy of online transactions. This law also regulates the types of offences related to misuse of information technology and its criminal sanctions to protect consumers from fraud and other fraudulent practices.
2.	The 2016 ITE Law provides legal certainty for businesses and consumers in conducting electronic transactions. This law regulates the procedures for conducting electronic transactions, including obligations imposed on business actors and protected rights for consumers.
3.	The ITE Law of 2016 is expected to encourage the growth of the digital economy in Indonesia by creating a safe and conducive environment for businesses and consumers to conduct electronic transactions

Before GCPL Article 4(c) regulates the right of consumers to obtain accurate information about the products offered by agents, it has been regulated in the ITE Law. Article 9 of the ITE Law requires online selling institutions to present comprehensive and accurate information about the terms and conditions of the contract, the producer, and the products offered. This is done to guarantee consumers' rights in electronic transactions and ensure they get accurate and comprehensive information about the products or services they buy.<sup>15</sup>

**Challenges and Obstacles for Government and Business Actors and Efforts to Improve Security in Electronic Transactions**

The development of electronic transactions (e-commerce) brings various benefits to society, but also poses security risks and violations of consumer rights. For this reason, an active role is needed from the

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<sup>15</sup>Muhammad Johansyah Maulana, “Perlindungan Konsumen Dalam E-Commerce Terkait Kerugian,” *Journal of Law, Administration, and Social Science* 4, no. 2 (2024): 265–75.

government and business actors in improving the security of electronic transactions. E-commerce transactions have several risks, such as defaults that are difficult to handle due to the lack of adequate regulations and laws. Customers are also unable to see the goods in person before purchasing, thus increasing the potential for fraud and losses for consumers.<sup>16</sup>

According to Ratnasingham (1998), building trust in e-commerce requires several important aspects. Firstly, transparency (disclosure of business practices) is key, where companies must be open in carrying out electronic transactions and always comply with agreements with consumers. Second, transaction integrity (integrity of transactions) ensures that all transactions are controlled and in accordance with the specifications of the order or agreement that has been made. Third, information protection (data security) is mandatory to maintain consumer privacy and prevent data leakage. Consumer trust in electronic transactions is influenced by several factors, namely risk, usefulness, ease of use, e-marketplace reputation, seller reputation, seller expertise, and ease of transaction.<sup>17</sup>

However, there are various challenges and obstacles that need to be overcome to achieve this goal. Here are some interesting discussions related to the challenges and obstacles of the government and business actors in improving electronic transaction security:<sup>18</sup>

1. Cyber Threat Complexity

Cyber threats are increasingly sophisticated and diverse, ranging from phishing, malware, ransomware, to organised attacks. This requires the government and businesses to continuously update their security systems and keep up with technological developments to protect electronic transactions from cyber-attacks.

2. Technology and User Behaviour Mismatch

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<sup>16</sup>Muhamad Rifqi, Edy Soesanto, and Raffary Aqilla, "Implementasi Nilai Kebangsaan Bersumber Pada UUD 1945 Dan NKRI Pada Peran Manajemen Security Dalam Mengidentifikasi Proses Kecurangan Transaksi Pada Online Shop," *Scientica: Jurnal Ilmiah Sains Dan Teknologi* 2, no. 6 (2024): 179–200.

<sup>17</sup>Maulana, "Perlindungan Konsumen Dalam E-Commerce Terkait Kerugian."

<sup>18</sup>Rais Agil Bahtiar, "Potensi, Peran Pemerintah, Dan Tantangan Dalam Pengembangan e-Commerce Di Indonesia [Potency, Government Role, and Challenges of e-Commerce Development in Indonesia]," *Jurnal Ekonomi Dan Kebijakan Publik* 11, no. 1 (2020): 13–25.



The rapid development of technology is often not matched by user adaptation and understanding. Many users have not implemented good security practices, such as using strong passwords, avoiding clicking suspicious links, and updating software regularly. This can open a gap for cybercriminals to carry out their actions.

3. Lack of Coordination and Collaboration

The security of electronic transactions requires good cooperation and coordination between the government, business actors, and the community. However, coordination and cooperation between related parties is still not optimal. This can hinder efforts to improve the security of electronic transactions.

4. Lack of Clarity of Responsibility

There is no clarity on who is responsible for the security of electronic transactions. This can cause doubts and confusion for the public and business actors in resolving problems that occur.

5. Lack of Education and Training

The public needs education and training on electronic transaction security so that they are more aware of the risks and can protect themselves. However, the available education and training programmes are still inadequate.

6. Technology Capability Gap

The technological capability gap between developed and developing countries can be an obstacle in improving the security of electronic transactions. Developing countries may have limitations in accessing advanced security technologies and skilled human resources to operate them.

Challenges and obstacles in improving the security of electronic transactions are complex and require integrated efforts from the government, business actors, and the community.<sup>19</sup>

Increasing public awareness, strengthening technological infrastructure, improving regulations and law enforcement, enhancing co-operation and coordination, and providing adequate education and training are key to creating a safe and reliable e-commerce ecosystem.

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<sup>19</sup>Ida Bagus Anggapurana Pidada and Ni Ketut Wiratny, "Penanganan Hukum Terhadap Praktek Prostitusi Melalui Media Elektronik," *Jurnal Ilmu Sosial Humaniora Indonesia* 1, no. 1 (2021): 51–60.

Electronic transactions (e-commerce) are increasingly prevalent in Indonesia, but there are still many consumers who are not maximally protected. Here are some efforts that can be made to improve the effectiveness of consumer legal protection in electronic transactions:

1. Update and refine existing regulations. The Consumer Protection Law (Law No. 8 Year 1999) needs to be updated to adjust to technological developments and e-commerce practices. More specific regulations are needed. More specific regulations for e-commerce, such as those on online platforms, online payments, and data privacy, can provide more comprehensive protection for consumers.
2. Improve consumer digital literacy. Education on consumer rights and obligations in electronic transactions needs to be improved so that consumers better understand their rights and can protect themselves from fraud.
3. Socialisation of applicable regulations. The government and business actors need to socialise existing regulations to the public so that consumers and business actors both understand the applicable rules.
4. Increase the capacity of law enforcement officers. Law enforcement officers need to increase their capacity in handling cases of violations of the law in electronic transactions.
5. Make it easier for consumers to report violations. Consumers must have easy access to report violations of the law experienced in electronic transactions.
6. Business actors must comply with applicable regulations. Business actors must comply with existing regulations, such as providing clear and accurate information, maintaining consumer data security, and resolving disputes with consumers fairly.
7. Utilisation of technology for supervision. Technology can be utilised to monitoring e-commerce platforms and detecting potential violations of the law. Development of online platforms for education and complaints. Online platforms can be utilised to educate consumers and make it easier for consumers to report violations of the law.

## CONCLUSION

This research reveals findings related to consumer protection in electronic transactions contained in Law Number 8 Year 1999 on Consumer Protection and other laws and regulations. Consumers have the right to obtain information that is not misrepresented and covers all aspects, choose the product or service they want, get a fair price, guarantee the quality of the product or service, compensation for losses, and protection of personal data. Efforts to improve the effectiveness of consumer legal protection in electronic transactions require continuous updating and improvement of regulations, increasing consumer digital literacy, socializing applicable regulations, increasing the capacity of law enforcement officials, facilitating consumer access to report violations, implementing more specific regulations for e-commerce, building an effective complaint system, and utilizing technology for supervision and education. Legal protection for consumers in electronic transactions is an important aspect in the digital era. Continuous efforts are needed from the government, business actors, and the community to create a safe and reliable e-commerce ecosystem, where consumers can transact comfortably and be protected. Future research can focus on more specific aspects of consumer legal protection in electronic transactions, such as analyzing cases of legal violations in electronic transactions. Research on the roles and responsibilities of each party in the legal protection of consumers in electronic transactions.

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