

E-Commerce Assurance: Exploring the Legal Fortifications for Consumers in Digital Markets

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ABSTRACT

Electronic commerce (e-commerce) transactions have experienced rapid growth in recent years, presenting new challenges in terms of legal protection for consumers. This research aims to investigate the legal protection provided to consumers in the context of this growing e-commerce transaction. Through a literature study approach, data was obtained from various relevant sources to analyze the legal framework that regulates it. The research results show that there is a legal basis that protects consumers, such as consumer protection regulations in various countries that regulate consumer rights. The regulated aspects involve the right to clear information, the right to cancel or return goods, as well as the right to privacy and security of personal data. Apart from that, dispute resolution is also an important focus in consumer legal protection, with mechanisms such as arbitration, mediation, and court being options for resolving disputes with sellers. Despite the legal protections available, challenges remain in implementing and enforcing the law, particularly regarding cross-border jurisdictions, unclear seller identification, and law enforcement on e-commerce platforms. This research provides a deeper understanding of consumer legal protection in the context of e-commerce transactions, highlighting the importance of strengthening existing legal frameworks and raising awareness regarding this issue.

Keywords: Legal Protection, Consumers, e-Commerce, Buying and Selling Transactions, Regulations.

INTRODUCTION

The Internet is a network that connects various computer devices around the world, enabling the exchange of information, communication and access to various digital resources. The internet has become a major driver of change in the global

economy, ushering in an era of increasingly popular digital economy. The use of the internet as the main communication medium has created a significant increase in economic activities carried out digitally. The role of the internet in the economy is very significant, one of which is the aspect of digital marketing or electronic commerce (Priyandi, 2022).

Electronic commerce, or e-commerce, is a form of commerce that involves buying and selling goods or services over the internet. In e-commerce, business transactions can occur online between producers (sellers) and consumers. E-commerce includes various business models such as online stores, online auctions, digital payment platforms and e-marketplaces. It provides ease of accessibility, allowing customers to browse, select, and purchase products or services without having to be in a physical location.

In Indonesia itself, the implementation of electronic commerce or e-commerce has experienced rapid growth in recent years. Several factors influence the development of e-commerce in Indonesia, including the growth of internet users and increasing consumer awareness regarding electronic commerce or e-commerce. The main advantages of electronic commerce or e-commerce involve time efficiency, global access, and the ability to provide a variety of products or services at lower operational costs. The important role of e-commerce has changed the commerce landscape, created new business opportunities, and provided consumers with an easier and more digitally connected shopping experience (Kusuma, 2022).

In addition, electronic commerce or e-commerce contributes quite a lot to the general public or consumers by providing better access to product information, clear purchasing procedures, and feedback mechanisms. However, it is also important to ensure transaction security and consumer data protection in an electronic commerce environment. Implementing policies that ensure consumer protection can increase trust in e-commerce platforms (Dianta, 2023).

Regarding consumer protection, currently there are still many individuals who misuse electronic commerce which results in consumer losses. Therefore, the aim of this research is to deepen understanding of the effectiveness of consumer protection policies in the context of electronic commerce. Through this research, the author aims to analyze the extent to which consumers have knowledge about their rights and the extent

to which current consumer protection policies are able to protect and fulfill their needs (Yanci, 2023).

In addition, the author also intends to identify trends in consumer rights violations that may occur in electronic commerce, so that they can design more effective protection strategies. This research will assess the implementation of data security by electronic commerce platforms to ensure that consumers' personal information is properly protected during online transactions. Apart from technical aspects, this research will focus on evaluating existing dispute resolution mechanisms, with the aim of ensuring that consumers have easy and fair access to resolve problems that may arise.

By describing in detail the inhibiting factors in consumer protection, this research aims to provide a comprehensive understanding of the challenges faced by consumers in the context of electronic commerce. Additionally, this research seeks to make a significant contribution to the development of industry guidelines or standards that have the potential to improve electronic commerce practices in a responsible and consumer-friendly manner. By achieving this goal, it is hoped that there will be an increase and strengthening of consumer protection in the current era of electronic commerce.

The research method used in this research is a qualitative descriptive method by collecting information from various sources, including books, journals, research results and the internet. As a research subject, the author actively seeks and collects information relating to legal protection for consumers in buying and selling transactions through electronic commerce or e-commerce. After obtaining sufficient data, the author carried out data analysis using a qualitative approach. The purpose of this analysis is to describe research data accurately and thoroughly, so that readers can easily understand the topics discussed.

Comparison with previous research mainly includes aspects of research discussion. Based on the previous description, the researcher intends to continue the research by focusing on the responsibilities of business actors towards consumers in buying and selling transactions via e-commerce. Apart from that, this research will also explore the legal protection received by consumers when facing electronic buying and selling transactions, by referring to the provisions of legal regulations currently in force.

THEORETICAL FRAMEWORK

Legal Protection

The principle of the Rule of Law, which guarantees that the law applies to everyone without exception, is the basis of legal protection. This concept emphasizes how important it is to have rules that are clear and accessible to everyone. Legal protection also involves the protection of human rights, which include the right to life, personal freedom, freedom of opinion, and the right not to be discriminated against (Haryono, 2023).

These human rights are an important foundation in the legal protection system, and the aim of legal protection is to create a just society. This means fair and equal treatment for all people, without considering their social, economic or political status. The principle of legality states that government and individual actions must be based on applicable law. This is the basis of legal protection. This concept includes recognition of legal authority and compliance with established legal procedures (Khafidah, 2023).

Legal protection requires an independent and responsible judicial system to enforce the law, resolve disputes, and provide justice to those who need it. Legal protection protects individual rights and obligations, such as the right to freedom of opinion, the right to privacy, the right to property, and other rights (Mira, 2023).

Legal protection also involves effective law enforcement, which means there are law enforcement agencies that can investigate violations of the law, prosecute perpetrators, and impose appropriate sanctions. Legal protection ensures that everyone has an equal opportunity to enter the justice system and that they will be treated fairly there. In the legal process, there is no discrimination based on race, religion, gender, or other factors.

Consumer protection

Consumers often have limited information compared to producers or sellers. This causes a power imbalance between customers and sellers that can occur due to information asymmetry. Customer protection aims to reduce information asymmetry and give customers better access to the information they need to make informed decisions.

Efforts to ensure that goods sold to customers are of adequate quality and safe to use are included in consumer protection. This includes supervision of production procedures, quality standards, as well as product testing and certification. Consumer protection involves recognizing and protecting consumer rights, including the right to security, the right to information, the right to choose, the right to be heard, the right to compensation, and the right to education (Abdul, 2023).

Consumer protection also includes monitoring fair and non-misleading business practices. This includes avoiding deceptive sales and advertising, as well as other business practices that harm consumers. In addition, consumer protection includes effective dispute resolution mechanisms, such as consumer complaints, arbitration, or legal processes to resolve disputes between consumers and sellers.

Efforts to increase consumer awareness and knowledge are also included in this consumer protection including providing consumers with information and resources to make smart decisions and protect themselves. Regulations and public policy often support consumer protection. This regulation aims to create a fair relationship between buyers and sellers and protect customers from harmful practices (Zainudin : 2023).

Transaction

Buying and selling transactions are based on an agreement between the seller and the buyer, this transaction involves the transfer of ownership from the seller to the buyer. This agreement includes agreements regarding prices, goods or services being traded, as well as other conditions stipulated in the contract. The seller must have legal rights to the goods or services being traded, and the contract also includes other conditions stipulated in the contract (Sarwan, 2023). Payment can be made by cash, bank transfer, or other mutually agreed payment method.

The exchange of goods or services between sellers and buyers is referred to as a buying and selling transaction. The goods traded can be physical goods such as electronics, clothing, or food, while the services traded can be repairs, consultations, or delivery (Fista, 2023).

The goods being traded must have sufficient validity and suitability for carrying out buying and selling transactions. Goods must match the seller's description, be undamaged, and be usable for their intended purpose. Buying and selling

transactions also protect consumers. This includes consumer rights such as getting the right information, getting goods or services that match the description, and getting compensation if discrepancies occur.

In buying and selling transactions, there is legal responsibility between the seller and the buyer. The seller must provide goods or services in accordance with the agreement, and the buyer must pay the agreed price. If the goods or services traded are unsuitable or defective, the buyer may have the right to cancel them.

E-Commerce

E-commerce, or electronic commerce, is trading activities carried out electronically via the internet. This includes everything from buying, selling, to exchange of goods, services and data carried out through various electronic platforms. Various business models commonly used in e-commerce involve relationships between sellers and buyers, such as business-to-consumer (B2C), business-to-business (B2B), and consumer-to-consumer (C2C) (Putu, 2021).

The success of e-commerce lies in the number of advantages it offers, including greater accessibility, ease of shopping, operational efficiency, lower costs, and the ability to reach markets around the world. However, with this growth, the importance of privacy and security in e-commerce has become increasingly apparent. To support this activity, a strong technological infrastructure is needed, involving a reliable internet network, electronic payment system, and a safe and responsive e-commerce platform. This is necessary not only to protect consumers' personal data but also to provide transaction encryption and maintain overall system security, so that the online transaction process can run quickly and smoothly.

Apart from the technological aspect, e-commerce is also subject to various legal regulations. Consumer protection, intellectual property rights, privacy protection, and data security are some of the aspects regulated by law in the context of electronic commerce. These regulations aim to protect consumers, ensure fair business practices, and ensure security in e-commerce (Bunga, 2023).

Another aspect that is no less important is logistics and delivery of goods in the realm of e-commerce. Inventory management, order processing, packaging, and fast

delivery are integral to maintaining customer satisfaction in a competitive e-commerce environment.

METHODS

The author uses data from various primary and secondary sources in this research. The data collected will be described descriptively and analytically. This research adopts a qualitative approach with a literature review method, which involves exploring written sources from various reference libraries. This approach involves collecting data from written sources, which will then be analyzed and examined to gain an in-depth understanding and deeper meaning of the information available.

RESULTS AND DISCUSSION

Consumer Protection Law

In this discussion, consumers refer to individuals who use products or services for personal, family or domestic needs without the intention of production or reuse. Consumer transactions are the process of transferring ownership or favors of goods/services from the provider to the customer. UUPK article 4 stipulates customer rights, including the right to determine product/service choices in line with the specified values, conditions and coverage. Apart from this right, it also involves access to honest information about the condition and liability of the product/service, as well as the right to obtain a replacement for the product/service if it is not in line with the agreement or expected standards (Anggita, 2023).

In another context, the obligations that must be borne by business actors. According to Article 7 UUPK includes the obligation to present accurate, transparent and honest data regarding the condition and guarantee of products or services. In addition, they are required to provide information about how to use, repair and maintain products or services, as well as provide compensation if the goods or services received do not comply with the agreement. In simple terms, Article 8 of the UUPK states that it is prohibited for business actors to sell products/services that do not comply with the agreements stated in the labels, labels, information, advertisements or sales promotions (Halim, 2023).

Thus, in the context of buying and selling transactions, if there is a difference between the characteristics or quality of goods expected by consumers and those actually received, it is considered serious abuse. This violation has the potential to bring punitive consequences for business actors involved in the transaction. The Consumer Protection Law (UUPK) Article 4 letter h stipulates that consumers have the right to receive compensation for carrying out transactions or purchasing products/services that do not comply with established agreements and rules.

On the other hand, if the goods or services received or used by consumers do not comply with the agreement, business actors must provide compensation, compensation or replacement, according to UUPK Article 7 letter g. Business people can experience very serious implications if they do not fulfill their obligations. Business actors who violate certain rules in the UUPK receive a maximum sanction of 5 years or a fine of up to IDR 2,000,000,000 (two billion rupiah). Therefore, parties, both business actors and customers, have clear responsibilities and rights in carrying out buying and selling transactions, and law enforcement is an important instrument to ensure the protection of consumer rights and business actors' compliance with applicable regulations.

Customer Protection And Electronic Contracts Under The ITE Law And PP PSTE

Even though purchases and sales are made online, based on the ITE Law and PP PSTE, they are still considered electronic transactions that can be accounted for. Electronic contracts, according to Article 48 paragraph (3) PP PSTE, must include the identity of the party, details of the object, transaction terms, price, fees, cancellation procedures, conditions for returning hidden defective goods, and legal settlement options. Therefore, in resolving electronic transaction problems, you can refer to the ITE Law and/or PP PSTE as the legal basis. Regarding consumer protection, Article 49 paragraph (1) PP PSTE emphasizes the obligation of Business Actors offering products electronically to present complete and accurate information about contract requirements, producers and products being marketed (Coryka, 2023).

The next paragraph strengthens the responsibility of Business Actors in providing clarification regarding contract offers or advertisements. If the goods received by consumers do not match the promises given, article 49 paragraph (3) PP PSTE states that Business Actors must set a time limit for consumers to return goods that are not

suitable or contain hidden defects. Apart from these two regulations, if the goods received do not match the image displayed in the online shop advertisement as an offer, we have the right to sue the Business Actor, namely the seller, through a civil process on the grounds that there was a breach of contract in the sale and purchase transaction.

According to Prof. R. Subekti, S.H., in his writing on "Contract Law," default refers to negligence or negligence which can arise in four different conditions, namely (Nieuwenhuis, 1985):

1. Failure to fulfill promised obligations;;
2. Fulfillment of commitments, but not in accordance with the initial agreement;;
3. Fulfillment of obligations according to promises, but with delays;
4. Carrying out actions that should be avoided based on the agreement.

If one of these four situations occurs, consumers have the right to file a civil lawsuit against the online seller for breach of contract. For example, this situation may occur if the goods received do not match the detailed description on the main page of the online platform. Therefore, the occurrence of default is the basis for consumers to take legal steps to protect their rights in online transactions.

Legal Protection Of Customers Or Consumers In Sale And Purchase Agreements Via E-Commerce

Buying and selling via the internet is a method that is currently popular, because it makes it easy for consumers to shop. Online transactions are chosen because of their practicality and convenience, allowing them to be carried out at any time with an internet connection. However, this activity also has a negative impact with the emergence of legal problems that have the potential to harm consumers. The possibility of potential fraud is quite high because consumers often do not receive adequate information. Although Article 1458 of the Civil Code explains the validity of the transaction process by stating that buying and selling occurs when an agreement regarding the object and price is reached, even before payment, this creates extra responsibilities to ensure comfort for sellers and consumers. Therefore, legal protection in online transactions is very important, considering that universal consumer rights, such as security, safety and access to accurate information, must be maintained. Law Number 19 of 2016, as an amendment to Law Number 11 of 2008 concerning

Electronic Information and Transactions, stipulates provisions related to legal protection that can be regulated by the parties involved in the transaction in accordance with Article 21 number 2.

First of all, in individual transactions, the emergence of legal consequences is the responsibility of the parties involved in the transaction. Furthermore, if the transaction is carried out by granting authority, then the legal consequences in implementing the electronic transaction agreement are the responsibility of the authorizer. Lastly, in the context of transactions via electronic agents, the electronic agent organizer has responsibility for all legal consequences in the implementation of the electronic transaction agreement. Therefore, with this legal basis, consumer protection in the realm of online transactions becomes increasingly guaranteed and provides a clear legal basis for all parties involved.

The law that can be used as a reference in Indonesia at this time is Law Number 8 of 1999 concerning Consumer Protection (UUPK). The UUPK aims to establish a consumer protection system that includes elements of legal certainty, information transparency and information availability, although it does not specifically regulate online transactions. Several provisions that can serve as guidelines in handling cases of fraud in online transactions include:

1. Article 8 paragraph (1) letters d, e, and f prohibits producers or sellers from making or selling goods and services that do not comply with quality standards, conditions, or promises stated in labels, descriptions, advertisements, or sales promotions.
2. Article 16 letters a and b state that business actors who offer goods and/or services through orders are not permitted to not fulfill orders or not comply with agreements in accordance with promised commitments. They are also not permitted to fail to fulfill promises regarding service or accomplishments (Jonathan, 2017).

Legal protection for consumers is focused on guarantee aspects, such as returning or exchanging products if they do not match the order, as outlined in Article 19 of Law no. 8 of 1999 concerning Consumer Protection. This article emphasizes that sellers must be responsible for providing compensation for damage, pollution or loss experienced by consumers as a result of consuming goods or services produced or traded (Andjani, 2023).

Dispute Resolution

Conflict resolution in global electronic commerce can be applied, especially for disputes with small value, through the Online Dispute Resolution (ODR) or online APS method. ODR is a practical alternative to provide accurate, economical and efficient resolution to consumers, while reducing the need to resolve disputes abroad (Firda, 2021). There are several advantages for buyers and business actors in E-Commerce transactions that use ODR, including:

Firstly, there are time and cost savings because there is no need to attend court, so the speed of ODR is a major advantage. The parties can resolve disputes without having to travel, are not required to be present at the same time, and the time period between submission and settlement can be short, with resolution based on documents only.

Second, in ODR, costs related to resolving civil disputes such as institutional dispute resolution fees, neutral party fees, party fees, and legal fees may decrease or even be non-existent (Putu, 2022).

Third, individuals who use the internet feel more confident in dealing with the process because they can monitor and respond to developments easily. Fourth, if the parties are reluctant to interact directly, they can avoid face-to-face meetings with the opposing party. This allows them to avoid feelings of fear of intimidation during the process, which is ultimately a psychological aspect. In the context of conventional or offline alternative dispute resolution, there are options for online dispute resolution (ODR), including Online Arbitration.

In the context of concerns about the delay in the development of the legal system which is not in line with the progress of the times and the rapid development of technology, the idea of resolving disputes online, especially through online arbitration (E-Arbitration), emerged as a solution. E-Arbitration is an attractive option for handling disputes in E-Commerce, where online transactions often involve parties from various countries with the potential for disputes to arise. Even though the nominal value of the dispute may be small, it still requires a quick and economical resolution. Efforts have been made to address this by providing Alternative Dispute Resolution online, including through forms of online arbitration.

In 1995, efforts to resolve disputes online began with the creation of a Virtual Magistrate at the Vilanova Center for Law & Technology. The focus is on providing specialized dispute resolution services for online problems. In 1996, the first case was successfully resolved, involving claims related to unsolicited advertising via email using addresses from American Online (AOL). AOL agreed to respond to the lawsuit, and Virtual Magistrate decided to stop sending emails containing advertising. The online arbitration and alternative dispute resolution process is essentially similar to traditional methods, but the only difference lies in the use of electronic means in all stages, starting from case registration, selection of arbitrators, sending documents, meeting of arbitrators (especially in arbitration tribunals that involve more than one arbitrator), to making decisions and notifying decisions, all done online (Fatria, 2022).

CONCLUSION

Legal protection for consumers in the context of e-commerce transactions is a necessity that cannot be ignored. This is due to the involvement of essential consumer rights, such as the right to clear information, the right to cancel or return goods, as well as the right to privacy and security of personal data. Even though there is a legal protection framework that has been implemented, a number of challenges still arise in implementing and enforcing the law. These challenges include cross-border jurisdiction issues, difficulties in identifying unambiguous sellers, and the complexity of law enforcement mechanisms on e-commerce platforms. Apart from that, an aspect that cannot be ignored in consumer protection is the sustainability of efforts to ensure the quality and safety of goods sold to consumers. On an international electronic commerce scale, dispute resolution can be achieved through Online Dispute Resolution (ODR) or online APS, which provides practical, economical and efficient solutions in handling disputes between consumers and sellers. In Indonesia, Government Regulation in Lieu of Law Number 80 of 2019 concerning Electronic Trading (PP PSTE) regulates the time limit for consumers to return goods that do not comply with the agreement or contain hidden defects, as regulated in Article 49 paragraph (3). Therefore, consumer legal protection in online transactions requires serious attention and improvements in the implementation and enforcement of the law. Optimizing the entire legal system is the

key to providing maximum protection to consumers, including regulations that support dispute resolution efforts with efficiency and fairness.

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