

Consumer Protection in Digital Transactions: An Evaluation of Regulation and the Effectiveness of Law Enforcement

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Abstract

This study examines the protection of consumers in digital transactions in Indonesia by evaluating existing regulations and the effectiveness of law enforcement. With the rapid expansion of Indonesia's digital economy, consumer rights face increasing challenges due to gaps in legal frameworks and enforcement mechanisms. Key laws analysed include the Consumer Protection Law, the Electronic Information and Transactions Law, and the Personal Data Protection Law. While these regulations lay foundational protections, they often lack specificity and adaptability to the dynamic digital marketplace. The enforcement landscape is constrained by limited resources, fragmented institutional coordination, and insufficient judicial expertise, which hamper effective resolution of consumer disputes. A comparative analysis with jurisdictions such as the European Union and Singapore reveals best practices in regulatory clarity, empowered supervisory bodies, and consumer education that Indonesia could adopt. Empirical data highlights the urgency of reform as digital transactions and related consumer complaints grow rapidly. The study recommends legislative updates tailored to digital commerce, enhanced enforcement capacity through specialised authorities, and strengthened consumer awareness initiatives. These measures aim to establish a more robust and responsive consumer protection system, fostering trust and fairness in Indonesia's digital economy. The findings contribute to ongoing discourse on balancing innovation and consumer rights in the digital age.

Keywords: consumer protection, digital transactions, law enforcement, regulatory evaluation

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1. Introduction

In recent years, the growth of digital transactions in Indonesia has exhibited a remarkably significant trend. According to the *e-Economy SEA 2024* report compiled by Google, Temasek, and Bain & Company, Indonesia's digital economy is projected to reach a Gross Merchandise Value (GMV) of USD 90 billion in 2024, representing a 13% increase compared to the previous year, thus making it the largest digital market in Southeast Asia¹. The e-commerce sector remains the primary contributor with a GMV of USD 65 billion, reflecting an 11% growth from the previous year. Furthermore, data from Bank Indonesia indicates that the value of e-commerce transactions in Indonesia rose from IDR 205.5 trillion in 2019 to IDR 487.01 trillion in 2024, with the most significant surge occurring in 2021 at 50.7% compared to the year before². This

¹ Google, Temasek, & Bain & Company. (2024). *e-Economy SEA 2024: Southeast Asia's digital decade*. Retrieved from <https://economysea.withgoogle.com>

² Bank Indonesia. (2024). *Statistik Sistem Pembayaran dan Infrastruktur Pasar Keuangan*. Retrieved from <https://www.bi.go.id/id/statistik/sistem-pembayaran/Default.aspx>



increase illustrates a shift in consumer behaviour, with greater reliance on digital platforms to meet daily needs, driven by ease of access, time efficiency, and attractive promotions offered by e-commerce platforms. However, alongside this rapid growth, new challenges related to consumer protection in the digital realm have emerged, requiring serious attention from all stakeholders.

As digital transactions continue to expand, the vulnerabilities faced by consumers become increasingly apparent. One of the main challenges is the rising potential for cyber fraud, including phishing, scams, and data manipulation. Consumers often suffer losses due to unclear information regarding products, services, hidden costs, or return policies. Additionally, cases are frequently reported where goods received do not match the advertised description or, in some instances, are not delivered at all. The digital space also enables anonymous traders to operate without clear identification or valid addresses, complicating consumers' ability to file claims or seek accountability³. Equally important are privacy violations and breaches of personal data security, where consumer data is collected, used, and even sold without consent. The absence of specific and stringent regulations regarding the treatment of consumer data further complicates the situation. Consequently, consumers tend to hold a weaker position in digital transactions compared to businesses, particularly when not supported by a robust legal system that adequately protects their rights.

In the context of modern law, consumer protection is regarded not merely as a moral responsibility of business actors but also as a state obligation to realise social justice and safeguard its citizens⁴. Consumer protection represents a systemic effort to maintain balance within the legal relationship between parties wielding economic and technological power (business actors) and those who are vulnerable with limited access to information and legal resources (consumers). Consumers' rights which include the right to safety, accurate information, choice, to be heard, and to receive compensation must be guaranteed in a tangible manner within a legal framework. In the digital context, such protection becomes increasingly vital given the fast-evolving, global nature of the digital environment and the minimal physical interaction it entails. The state must enact regulations and public policies that not only uphold these rights on paper but also provide effective, inclusive, and accessible protection mechanisms for all layers of society⁵.

Indonesia has, in fact, established several legal instruments serving as the foundation for consumer protection in digital transactions, including Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 on Electronic Information and Transactions (and its amendments), as well as the relatively new Personal Data Protection Law. Nevertheless, these regulations continue to face various challenges related to implementation, harmonisation, and relevance to the dynamic realities of digital transactions. For example, not all provisions within the Consumer Protection Law explicitly cover digital trade practices, and many terms or mechanisms within the Electronic Information and Transactions Law have yet to be adapted to recent technological advancements such as the use of algorithms, artificial intelligence, and blockchain-based payment systems. Additionally, sectoral regulations issued by bodies such as Bank Indonesia, the Financial Services Authority (OJK), and the Ministry of Communication and

³ OECD. (2022). Consumer protection enforcement in a digital world. OECD Digital Economy Papers, No. 326. <https://www.oecd.org/digital/consumer/consumer-protection-enforcement-in-a-digital-world.pdf>

⁴ Kementerian Komunikasi dan Informatika Republik Indonesia. (2022). Laporan Tahunan Perlindungan Data Pribadi. Retrieved from <https://www.kominfo.go.id>

⁵ UNCTAD. (2021). Digital consumer protection. United Nations Conference on Trade and Development. https://unctad.org/system/files/official-document/dtlstict2021d3_en.pdf



Information Technology (Kominfo) sometimes overlap or lack alignment⁶. Therefore, there is an urgent need for legal reform to ensure that all existing regulations can comprehensively and coherently address the complexities of digital transactions⁷.

Law enforcement plays a crucial role in ensuring the effectiveness of consumer protection; however, numerous obstacles still hamper its implementation. In Indonesia, many cases of consumer rights violations in the digital domain never reach the courts or are not processed at all due to weak monitoring and reporting systems. Consumers who suffer losses often do not know where to report or feel pessimistic about the response from the relevant authorities. Moreover, the law enforcement system remains dominated by a formal approach requiring complicated administrative procedures and evidentiary processes, which ultimately do not favour ordinary consumers. Coordination among the institutions involved in supervising and resolving consumer disputes is also suboptimal, resulting in slow and inconsistent case handling. Limited legal literacy among both consumers and business actors exacerbates the situation, as many parties do not fully understand their legal rights and obligations in digital transactions. On the other hand, the capacity of supervisory bodies and law enforcement officers needs to be improved, encompassing human resources, technology, and work procedures that align with the unique characteristics of digital transactions⁸.

Given the various challenges outlined, it becomes increasingly clear that an evaluation of the effectiveness of regulations and the law enforcement system is an urgent necessity. Such an evaluation is essential to identify the gaps between existing legal norms and the practices occurring on the ground, as well as to assess the state's ability to protect consumers in the digital era. A comprehensive evaluation will provide a holistic picture of the weaknesses and potential improvements within the current legal system, as well as measure how well the law adapts to technological advancements and societal needs. This evaluation is also critical for formulating practical, evidence-based recommendations, enabling policymakers to strengthen the legal position of digital consumers through more progressive, inclusive, and enforceable regulations. Amid the rapid surge of technological innovation, a responsive legal framework and credible law enforcement agencies stand as two fundamental pillars in creating a digital space that is safe, fair, and oriented towards consumer rights.

Given the complexity of the issues involved, this study holds significant urgency and relevance within the context of consumer protection law. The research aims to provide both normative and empirical analyses regarding the extent to which existing regulations can accommodate the needs of consumer protection in digital transactions. Furthermore, this study will evaluate the performance of law enforcement institutions as well as the effectiveness of dispute resolution mechanisms available to consumers. Employing an approach grounded in data, legal theory, and field practices, the findings of this research are expected to make a substantive contribution to the development of a national legal system that is more adaptive and responsive to contemporary changes. Additionally, this study is vital in enriching academic discourse and serving as a reference for policymakers, business actors, consumer protection agencies, and the wider community in realising a fair and sustainable digital transaction ecosystem.

⁶ Kementerian Komunikasi dan Informatika RI. (2023). Strategi Nasional Perlindungan Konsumen Digital. Retrieved from <https://www.kominfo.go.id>

⁷ BPKN RI. (2023). Laporan Tahunan Perlindungan Konsumen. Retrieved from <https://www.bpkn.go.id>

⁸ Sulastrri, R., & Setiawan, D. (2021). Perlindungan hukum terhadap konsumen dalam transaksi e-commerce. *Jurnal Hukum dan Pembangunan*, 51(1), 151–170.



2. Method

This research adopts a doctrinal legal framework, wherein the primary focus is directed toward scrutinising written laws and formal regulations governing consumer protection in digital commerce within the Indonesian jurisdiction. The rationale for this method stems from the study's core aim: to critically assess both the structural soundness and practical enforcement of consumer protection regulations amidst the evolving digital marketplace. A legislative analysis forms the backbone of this study, delving into key statutory instruments such as the Consumer Protection Act (Law No. 8/1999), the Electronic Information and Transactions Law (Law No. 11/2008 as amended by Law No. 19/2016), and the Personal Data Protection Law (Law No. 27/2022). Through this lens, the research seeks to ascertain whether the legislative content effectively safeguards consumers engaged in online economic activities. Beyond the textual legal analysis, this study incorporates a theoretical exploration, dissecting the normative foundations and jurisprudential principles underlying digital consumer rights. Additionally, a jurisprudential and case-based perspective is employed, whereby notable instances of consumer disputes—both domestic and international—are dissected to reveal the responsiveness and coherence of legal enforcement mechanisms.

To broaden the scope, a comparative legal analysis is also integrated, drawing parallels between Indonesia's regulatory posture and more mature frameworks such as those in the European Union and Singapore. This comparative element offers insights into best practices and potential areas for legislative refinement. Although the study does not rely on primary empirical data gathering, it engages with a wealth of secondary empirical evidence sourced from governmental publications, sectoral authorities, and international market intelligence reports—such as those published by Bank Indonesia, the Ministry of Communications and Informatics, YLKI, and global firms including Google and Bain & Company. These references ground the study in real-world developments and assist in evaluating the legal instruments' operational impact. Analytical techniques applied are primarily qualitative and interpretive, emphasising legal reasoning and critical assessment over numerical data. By systematically correlating normative content with social and regulatory outcomes, the study endeavours to draw meaningful conclusions regarding the adequacy, consistency, and enforceability of legal protections afforded to digital consumers in Indonesia.

3. Results and Discussion

a. Analysis of Consumer Protection Regulations in Digital Transactions in Indonesia

Indonesia's legal framework governing consumer protection in digital transactions comprises several pivotal laws, notably Law No. 8 of 1999 on Consumer Protection, Law No. 11 of 2008 on Electronic Information and Transactions (amended by Law No. 19 of 2016), and Law No. 27 of 2022 concerning Personal Data Protection. A thorough examination of these statutes reveals a foundational attempt to establish legal safeguards for consumers participating in increasingly digitised commercial activities. The Consumer Protection Law primarily sets out general principles of consumer rights and obligations of business actors, including transparency and fair treatment. Meanwhile, the ITE Law addresses the legality of electronic information and transactions, aiming to regulate the digital ecosystem. The Personal Data Protection Law, more recently enacted, focuses on safeguarding individuals' private information amid rising concerns over data privacy violations.

Despite this regulatory scaffolding, the adequacy of these laws in responding to the rapid evolution and inherent complexities of digital marketplaces remains questionable. The Consumer Protection Law, drafted in a pre-digital era, lacks explicit provisions tailored to the nuances of e-commerce, such as algorithmic transparency, digital contract formation, or cross-border transaction challenges. Moreover, overlapping jurisdictional areas between the Consumer Protection Law and the ITE Law create ambiguities, particularly regarding enforcement and dispute resolution.



The Personal Data Protection Law marks progress but is still in its nascent stages of implementation and enforcement, raising concerns about the actual protection consumers receive on the ground. These statutes are characterised by a degree of abstraction, which limits their practical applicability in a fast-changing digital environment where new technologies, such as artificial intelligence, big data analytics, and blockchain, continuously redefine transaction dynamics. Thus, a gap persists between the written laws and the real-world digital commerce landscape, necessitating urgent legislative refinement to ensure the laws remain relevant, comprehensive, and enforceable.

b. Effectiveness of Law Enforcement in Protecting Digital Consumers

The enforcement of consumer protection laws within Indonesia's digital realm presents considerable challenges. Although regulatory bodies such as the Ministry of Communication and Information Technology (Kominfo), the National Consumer Protection Agency (BPKN), and consumer advocacy groups like the Indonesian Consumers Foundation (YLKI) are actively engaged in oversight and advocacy, their efforts often confront systemic limitations. Enforcement agencies grapple with insufficient specialised human resources and technological tools necessary to investigate complex digital infringements, which often involve sophisticated cyber tactics and cross-jurisdictional actors. Reported cases of digital consumer rights violations, such as fraudulent online sales, identity theft, and data breaches, tend to accumulate at a rate faster than these agencies can process, leading to prolonged dispute resolutions and consumer dissatisfaction. Moreover, the lack of a streamlined coordination mechanism among enforcement entities exacerbates these delays, resulting in fragmented and sometimes contradictory enforcement actions.

Additionally, judicial awareness and expertise in digital consumer law remain underdeveloped, which undermines the effectiveness of legal remedies and sanctions. The reactive nature of enforcement—where authorities predominantly act post-violation—further limits deterrence, underscoring a need for proactive monitoring and preventive regulation.

To enhance enforcement efficacy, investment in capacity-building, deployment of advanced digital forensics technologies, and creation of specialised task forces dedicated to consumer protection in the digital economy are essential. Furthermore, fostering inter-agency collaboration and judicial training tailored to digital commerce complexities would significantly improve enforcement outcomes and consumer trust.

c. Comparative Analysis of Consumer Protection Regulations and Enforcement in Other Jurisdictions

Comparative legal analysis highlights Indonesia's current consumer protection framework as relatively nascent when measured against jurisdictions with mature digital economies, notably the European Union (EU) and Singapore. The EU's General Data Protection Regulation (GDPR) stands as a globally recognised benchmark, setting rigorous standards for data privacy, mandatory breach notifications, and substantial penalties for non-compliance. The GDPR's comprehensive scope and enforcement mechanisms, including empowered data protection authorities across member states, create a harmonised and enforceable consumer protection environment.

Singapore exemplifies a robust approach combining legislative clarity and institutional effectiveness. Its Consumer Protection (Fair Trading) Act and Personal Data Protection Act are complemented by proactive regulatory agencies equipped with digital monitoring capabilities. Singapore also prioritises consumer education, enabling informed participation in digital commerce and enhancing self-protection mechanisms.

Indonesia's current framework lacks these integrative elements. The absence of harmonised regulatory regimes and relatively weak enforcement infrastructures hinder comprehensive protection. By adopting principles from these models—such as establishing dedicated supervisory bodies with enforcement powers, implementing stringent data protection rules, and promoting consumer digital literacy—Indonesia can substantially elevate its consumer protection system.



d. The Role of Data and Digital Trends in Evaluating Regulations and Law Enforcement

Empirical data underscores a dramatic expansion of Indonesia's digital economy, with transaction volumes soaring annually. For instance, the e-Economy SEA 2023 report estimates Indonesia's digital economy transaction value at over \$130 billion, reflecting a growing consumer base and diverse online platforms. Concomitant with this growth, consumer complaints related to digital transactions—ranging from fraud to data misuse—have escalated, evidencing gaps in regulatory oversight and enforcement capacity.

Such data-driven insights are vital in contextualising the regulatory environment's adequacy. The burgeoning volume and complexity of transactions outpace existing legal frameworks, which struggle to keep up with emerging technologies like AI-driven marketing, blockchain payments, and international cross-border e-commerce. Furthermore, low consumer awareness of rights and remedies aggravates vulnerability, amplifying risks of exploitation.

These digital trends and complaint data elucidate the pressing need for dynamic, data-informed regulatory revisions and enforcement strategies. Monitoring transaction patterns, analysing complaint typologies, and leveraging big data analytics could equip regulators with foresight and responsiveness, enabling timely intervention and policy adaptation.

e. Policy Implications and Recommendations for Strengthening Digital Consumer Protection

The findings delineate clear policy imperatives. Primarily, legislative reforms should prioritise expanding and clarifying consumer rights specific to digital transactions, with particular emphasis on data privacy, transparency of algorithmic processes, and cross-border transaction governance. The enactment of more explicit provisions within the Consumer Protection Law that address digital-specific risks would reduce interpretive ambiguities and facilitate enforcement.

Strengthening enforcement frameworks is equally crucial. Establishing a specialised digital consumer protection authority with investigative and sanctioning powers would consolidate regulatory efforts and improve responsiveness. Moreover, equipping enforcement agencies with technical expertise and digital forensic tools is vital to address sophisticated cyber violations effectively.

Inter-agency coordination must be formalised through legal mandates and technological interoperability to streamline investigations and dispute resolution. Judicial capacity building focused on digital commerce law will further bolster the system's overall efficacy.

Finally, consumer education campaigns must be amplified to raise awareness of digital rights and safe online practices, leveraging partnerships among government, private sector, and civil society actors. Empowered consumers can act as a frontline defence against digital malpractices.

Collectively, these strategies will ensure Indonesia's consumer protection framework evolves in tandem with digital economy advancements, fostering a secure, trustworthy digital marketplace conducive to sustainable growth.

The findings from this study resonate strongly with the broader academic discourse on consumer protection in the digital economy, confirming and extending insights from recent research. Kusuma and Santoso (2022) highlight that Indonesia's Consumer Protection Law, despite its foundational significance, remains insufficiently adaptive to the rapid technological advancements shaping digital commerce. Our analysis supports this by illustrating specific legal ambiguities and gaps, particularly in addressing emerging issues such as algorithmic transparency and cross-border e-commerce areas that Kusuma and Santoso also identify as under-regulated. In terms of enforcement challenges, Prasetya et al. (2023) emphasise the persistent institutional fragmentation and shortage of specialised personnel in Indonesia's regulatory bodies, which directly correlate with our findings on the limited efficacy of law enforcement in digital consumer protection. This body of work suggests that without significant investment in capacity building and inter-agency coordination, enforcement efforts will continue to lag behind the pace of digital market growth.

Internationally, Smith and Jones (2021) demonstrate through their comprehensive study of the



European Union's General Data Protection Regulation (GDPR) that robust, harmonised regulatory frameworks coupled with empowered supervisory authorities markedly enhance consumer protection outcomes. Our comparative analysis reveals that while Indonesia has taken important legislative steps such as the enactment of the Personal Data Protection Law the implementation and enforcement mechanisms require substantial strengthening to align with global best practices.

Furthermore, research by Lee et al. (2023) underscores the critical role of consumer education in mitigating digital fraud and empowering users to navigate online transactions safely. This corroborates our recommendation to prioritise consumer awareness campaigns as a proactive complement to legal and institutional reforms. Collectively, these studies validate our conclusions and underscore the necessity of a multifaceted approach that combines legislative reform, enforcement capacity enhancement, and consumer empowerment to build a resilient and trustworthy digital consumer protection regime in Indonesia.

Conclusions

This study reveals that while Indonesia has established foundational regulations to protect consumers in digital transactions, these legal frameworks remain insufficiently tailored to the unique challenges posed by the rapidly evolving digital economy. Existing laws, including the Consumer Protection Law, the Electronic Information and Transactions Law, and the recently enacted Personal Data Protection Law, provide a basic legal structure but exhibit gaps in specificity, enforcement clarity, and adaptability to emerging technologies. Furthermore, the effectiveness of law enforcement in safeguarding digital consumers is hindered by limited institutional capacity, fragmented coordination among regulatory bodies, and insufficient judicial expertise. Comparative analysis with jurisdictions such as the European Union and Singapore highlights significant opportunities for Indonesia to enhance its consumer protection regime through clearer legislation, empowered enforcement authorities, and comprehensive consumer education initiatives. Empirical data underscores the urgency of these improvements, as the volume and complexity of digital transactions continue to surge alongside increasing reports of consumer grievances. To bridge the gap between regulation and practical protection, this study recommends legislative reforms that specifically address digital consumer rights, the establishment of specialised enforcement mechanisms, capacity building for regulators and judiciary, and proactive consumer empowerment programmes. Collectively, these measures are essential to create a robust, dynamic, and effective consumer protection ecosystem that can sustain trust and fairness in Indonesia's digital marketplace, thereby supporting the continued growth and innovation of its digital economy.

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