

Implementation of Protection Consumer in the Sale Agreement Buy Online Marketplace

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Abstract. The advancement of information technology has rapidly transformed trading patterns in Indonesia, shifting from conventional transactions to online transactions through marketplace platforms. On one hand, this transformation provides convenience and efficiency for both businesses and consumers. On the other hand, it has also given rise to various legal issues, particularly regarding consumer protection. This article aims to examine how legal protection for consumers is implemented in electronic sales agreements on marketplaces, while also identifying the obstacles encountered during its implementation. The study employs a normative juridical approach, using conceptual analysis and legislative review, supplemented by empirical data obtained from interviews. As described, legal protection for consumers in electronic transactions in Indonesia remains suboptimal. Specifically, these challenges include biased law enforcement, low levels of consumer literacy, and ineffective dispute resolution mechanisms. In practice, marketplaces have incorporated consumer protection features such as escrow systems, refund mechanisms, and complaint centers; however, their implementation still suffers from limited transparency and effectiveness. Furthermore, existing regulations are slow to respond to the dynamics of cross-border transactions and ongoing digital innovations. Therefore, comprehensive regulatory reform, stronger enforcement, and enhanced legal and digital literacy among the public are necessary to ensure effective consumer protection.

Keywords: Consumer Protection; Electronic Transactions; Marketplace; Online Sales; Purchase Agreements.

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1. Introduction

The development of information technology has driven substantial changes in the trade landscape in Indonesia. Many buying and selling activities are now shifting to the digital realm through electronic transactions and marketplace platforms, which offer convenience, speed, and wide market reach. The significant increase in the value of e-commerce transactions is in line with the increasing use of internet and smartphone use, making this sector one of the main drivers of the national digital economy. However, this progress also presents various new problems, especially related to the protection of consumer rights in the digital space (Sugianto et al., 2022). Along with the increase in online buying and selling activities, cases of violations of consumer rights are also increasingly prevalent (Safrida, 2025). Many consumers face risks such as fraud, product non-conformity, personal data privacy violations, and financial losses due to weak supervision and law enforcement. Some common issues include

products that don't match the description, delays in the delivery process, and instances where the goods aren't shipped at all.

On the other hand, the theft and misuse of consumers' personal data is a serious threat in the midst of the digitalization era (Rizal et al., 2024). In Indonesia, despite the implementation of various regulations, such as the Consumer Protection Law and the Electronic Information and Transaction Law (ITE Law), the implementation of legal protection for consumers still faces several obstacles. The main obstacle comes from inconsistent application of the law, so the protection of consumer rights is not always ideal. Furthermore, supervision of companies in the digital environment is still limited, resulting in online transaction practices that are not transparent and have the potential to harm consumers. This situation highlights the need to increase government involvement, awareness of business actors, and public education to ensure more effective and reliable consumer protection in the digital era (Safrida, 2025). Existing regulations are not fully responsive to the development of electronic transactions that are cross-border and involve various parties, including foreign business actors.

The disharmony of regulation between physical and digital products and the absence of standard standards in e-commerce transaction practices add to the complexity of consumer protection. This situation is exacerbated by ineffective dispute resolution mechanisms, either through the courts or through alternative methods, which tend to be complicated and time-consuming (Muljono et al., 2022). However, in practice, the implementation of consumer protection by marketplace operators is often not optimal. Some platforms have not consistently enforced return policies, the complaint mechanism is still limited, and the liability of digital companies for losses suffered by consumers is still uncertain. This phenomenon shows that there is a gap between the provisions of the laws and regulations set and their implementation in the field. The need for legal certainty and protection guarantees for digital consumers is becoming more and more urgent. Legal certainty not only provides a sense of security for digital service users, but also increases public trust in the e-commerce ecosystem while strengthening national economic growth.

Without adequate protection, consumers will continue to be in a weak position, while business actors have the potential to ignore their legal responsibilities (Rizal et al., 2024). Therefore, efforts to strengthen consumer protection in the digital era require synergistic collaboration between the government, business actors, and the community. The government needs to strengthen existing policies and regulations, increase the effectiveness of law enforcement, and provide a quick and accessible dispute resolution mechanism for the public. Meanwhile, business actors are expected to uphold the principle of transparency, ensure the security of consumer data, and be responsible for the products and services offered. Meanwhile, people need to improve their legal literacy so that they are more aware of their rights as digital consumers. In this case, the Plaintiff (Celvin) as a reseller entered into an electronic sale and purchase agreement with the Defendant (Namastudios) on January 31, 2020 for the procurement of 12,000 bags with a value of IDR 700,000,000.

The delivery of goods was agreed in two stages, but until the specified deadline, the Defendant only sent 265 bags and did not continue his obligations. The plaintiff who has paid off the payment filed a lawsuit with the South Jakarta District Court with a claim for damages. In Decision No. 629/Pdt.G/2020/PN Jkt.Sel, the panel of judges affirmed that the defendant was proven to have committed a default and ordered the refund and compensation to the Plaintiff. Electronic buying and selling transactions through digital platforms, such as marketplaces, WhatsApp, or email, are legally recognized in Indonesia and have the same legal force as conventional contracts. This is supported by Article 1320 of the Civil Code and Law Number 11 of 2008 concerning Information and Electronic Transactions, provided that the conditions for the validity of the contract are fulfilled and there is valid electronic evidence. Thus, consumers in online transactions still receive the same legal protection as in traditional transactions, although supervision of digital practices still needs to be improved.

Based on the contextual description above, the author sets the focus of the research problem, namely how to apply legal guarantees for consumers in the online transaction process through marketplace platforms.

2. Research Method

This study applies a normative legal analysis approach, which is a method to examine legal provisions that are oriented to the study of literature or secondary information, especially those related to positive laws that apply to consumer protection and online buying and selling contracts through marketplace platforms. This approach is used to examine legal norms, principles, and doctrines relevant to the application of consumer protection in electronic transactions (Saebani, 2021).

The analysis in this study is carried out by applying an analytical descriptive method, which is a method that focuses on the description and study of the applicable positive legal provisions and their application in practice. The analysis process is carried out through structured and systematic evaluation, data processing, review, and interpretation of research results, which culminates in the elaboration of conclusions and recommendations based on research questions (Moleong & Surjaman, 2014). The research was conducted in two stages: literature review and field research. This research uses secondary data, which includes basic legal sources, additional or complementary sources, as well as direct information obtained through interviews with resource persons who have in-depth knowledge of electronic transaction practices and consumer protection mechanisms in the market. Information collection is carried out by reviewing related documents and interviews to obtain relevant information and support the analysis of research problems.

The data that has been collected is then analyzed using a qualitative approach in legal studies. This research is called legal research because it is based on the applicable legal provisions and positive legal norms. Meanwhile, this research is called qualitative because the analysis is carried out on legal materials and literature related to the research topic, which are then interpreted systematically and logically, in accordance with the purpose of the research.

3. Results and Discussion

Characteristics of Online Sale and Purchase Agreements on Marketplace

Transaction agreements made through marketplace platforms are essentially electronic contracts, which are formalized when consumers click on the "agree" or "buy" button within the marketplace system. From a legal point of view in Indonesia, research shows that online transactions (e-commerce) have the same legal status as conventional contracts, according to Article 1320 of the Civil Code. This application is valid as long as it meets the four conditions of the validity of the contract: consent from the parties, legal competence, detailed object, and lawful purpose. The formation of electronic contracts is entirely based on digital media as a form of communication between consumers and companies, without the need for face-to-face meetings or manual document signing (Khamdanah & Saputra, 2022). Online buying and selling agreements in the marketplace generally use standard form contracts that have been prepared in advance by the organizer or business actor, where consumers only have the option to agree to all terms and conditions or reject them completely. Types of digital consent such as click-wrap, browse-wrap, and scroll-wrap are widely used in practice. Based on empirical research in Indonesia, most consumers do not read the long terms and conditions thoroughly, but immediately press the "agree" button in order to continue the transaction (Pamila & Wahjuningati, 2022).

This condition creates an imbalance in position between consumers and business actors because standard clauses tend to favor business actors. The electronic contract mechanism in the marketplace also shows that the approval process takes place automatically by the system. After the consumer completes the checkout process, it is considered to have agreed to all the provisions, while the business actor is considered to have provided an offer according to the description of the goods or services displayed online. Most e-commerce transactions in Indonesia are carried out entirely electronically without physical documents, so problems arise related to proving consent and handling disputes (Simanungkalit et al., 2025). However, these characteristics carry their own risks. Many consumers don't understand all the terms and conditions because they just click on the agreement, so their bargaining position becomes weak in the event of a default, such as a delay in delivery or a mismatch of goods. Standard clauses often contain limitations on the liability of business actors as well as dispute resolution mechanisms that are detrimental to consumers. Empirical research also shows that this condition triggers dissatisfaction and has the potential to violate consumer rights in online transactions (Gultom & Simbolon, 2025).

Another aspect that needs to be considered is the emergence of cross-border transactions, where providers of goods or services come from abroad but use the Indonesian marketplace as an intermediary platform. This situation raises new issues related to jurisdiction, contract performance, and more complex legal responsibilities. Although research in Indonesia on cross-border transactions is still limited, current regulations are not fully able to anticipate these developments.

Implementation of Consumer Protection in the Marketplace

In practice, consumer protection in the marketplace is implemented through several stages, namely pre-transaction, during transaction, and post-transaction. In the pre-transaction stage, consumer education, the establishment of protection institutions, and the implementation of self-regulation by business actors are the main focus. During the transaction, the things that are of concern are the authenticity of the data, the validity of electronic contracts, information security, and product transparency. Meanwhile, after the transaction, the dispute resolution mechanism, refund, and protection of consumer personal data are crucial aspects that must be guaranteed by the marketplace platform (Putra et al., 2024). Marketplaces also have the obligation to strictly select sellers and supervise the products marketed so that they do not violate the law. However, supervision of sellers and products is still considered minimal, so consumers often suffer losses due to non-conforming goods, delayed delivery, or fraud. This situation emphasizes the importance of greater supervision and accountability from the marketplace to protect consumers.

Personal data protection is a crucial aspect to ensure consumer security when using marketplace platforms. During transactions, consumers are often asked to provide crucial personal data such as names, addresses, and credit card details. The risk of data misuse is a real threat, so implementing data protection regulations and a strong digital security system is essential to prevent data leakage and unauthorized use. Consumer dispute resolution in the marketplace can be done through various channels, such as negotiation, mediation, the Consumer Dispute Resolution Agency (BPSK), and litigation. However, differences in procedures between marketplaces and low consumer legal literacy are challenges in optimizing protection. Therefore, the transparency of dispute resolution procedures and legal education for consumers needs to be continuously improved (Djamaludin & Fuad, 2024). The effectiveness of consumer protection is also highly dependent on law enforcement and government oversight. Although the existing regulations are quite adequate, weak law enforcement and supervision cause many violations to not be handled properly. The government needs to strengthen supervision, increase sanctions for business actors who violate, and encourage marketplaces to be more responsible (Hamid & Sh, 2017).

In Indonesia, marketplaces have implemented several protection mechanisms, such as an escrow system, refund services, and complaint channels. However, its implementation in the field still faces obstacles, especially related to information transparency and the effectiveness of dispute resolution. More specific additional regulations and stricter supervision of digital business actors are needed so that consumer protection can run optimally. Another challenge is the adaptation of regulations in responding to technological innovations and new business models in the digital realm. Existing regulations often lag behind innovations that occur in the marketplace, so regular regulatory updates are needed to remain relevant and able to accommodate consumer protection needs in the digital era. Increasing consumer literacy is also an important factor. Consumers who understand their rights and obligations will be better able to protect themselves from potential losses. In the context of cross-border transactions, international cooperation and harmonization of consumer protection standards and cross-border dispute resolution mechanisms are crucial factors to provide legal certainty and equal protection (Djamaludin & Fuad, 2024). Strengthening the feedback and review mechanism from consumers can be an effective tool in consumer protection in the marketplace.

The rating and review system not only provides information for potential buyers regarding the reputation of the seller and product quality, but also encourages business actors to be more responsible. Marketplaces can use this data to detect patterns of fraud or non-compliance with standards, as well as provide sanctions or guidance for sellers who violate. Thus, the role of consumers is not only passive as buyers, but also active in maintaining a safe and trusted digital commerce ecosystem. In addition to technical and regulatory protection, continuous education to consumers is an equally important aspect. Marketplaces and governments need to provide digital literacy and consumer rights programs on a regular basis, including information on fraud risks, how to verify products, and effective complaint

procedures. Educated consumers will be more careful in making transactions and able to determine the most appropriate action when facing a problem. This not only minimizes potential losses, but also creates a healthy and sustainable transaction culture in the digital realm.

Obstacles and Legal Remedies in the Implementation of Online Consumer Protection

Consumer protection in the online realm faces a variety of complex obstacles, ranging from weak law enforcement, low consumer literacy, to challenges in supervising digital business actors. One of the main obstacles is the inconsistency of regulations with the rapid development of e-commerce, so legal loopholes are often exploited for fraud, data privacy violations, and the dissemination of misleading product information. Existing dispute resolution mechanisms are also often less effective due to complicated processes and limited consumer access to dispute resolution institutions such as BPSK or litigation channels, so many consumers choose not to follow up on complaints. Legal remedies that can be taken, ranging from negotiations, mediation through marketplaces, complaints to consumer protection institutions, to civil lawsuits, are highly dependent on consumers' awareness and courage to fight for their rights (Putu et al., 2024). The government and regulators have tried to strengthen protection through regulatory updates, supervision, and education for consumers and business actors, however, in their implementation they still face several obstacles, such as lack of coordination between institutions, limited available resources, and challenges in adapting to continuous technological changes.

The weak protection of personal data is also a serious issue, considering that sensitive data provided during online transactions is vulnerable to misuse because there is no comprehensive law and strict law enforcement. Many consumers do not understand their rights, so it is easy to fall victim to unfair business practices, such as goods that are not as described, delayed delivery, or denied refunds. The difficult evidentiary process, especially if the business actor is overseas or using a false identity, underscores the need for cross-border cooperation and regulatory harmonization to strengthen cross-border consumer protection. Marketplaces and e-commerce platforms have a strategic role, such as providing an escrow system, complaint channels, and transparent refund policies, but supervision of sellers still needs to be improved so that they do not solely prioritize business profits. Applicable regulations, including the Consumer Protection Law and the ITE Law, provide a strong legal basis, but their implementation is still limited due to the lack of supervision, overlapping authority, and lack of firm sanctions for violators (Zahra et al., 2025).

The development of online dispute resolution offers a faster and cheaper alternative, but its effectiveness still needs to be tested, especially in terms of fairness, transparency, and accessibility. The challenges of globalization and cross-border transactions add to the complexity, as differences in legal standards and enforcement mechanisms in different jurisdictions can make it difficult for consumers. The low digital literacy of the community makes consumers often do not understand the risks and how to protect themselves, even though consumer education is very important to prevent losses. Unfair business practices by business actors, such as false offers or misleading advertisements, underscore the need for continuous supervision and strict sanctions. Legal processes, from complaints to mediation, arbitration, and civil lawsuits, often face obstacles such as time and high costs. Therefore, it is important to strengthen the complaint and dispute resolution system so that it is fast, easily accessible, and easily accessible to the public (Ayunda, 2022).

Online consumer protection must also include transaction security and personal data protection, where business actors are obliged to maintain the confidentiality of consumer data. Comprehensive regulation and strict law enforcement are key to preventing data misuse. The rapid dynamics of technology, including the use of artificial intelligence, big data, and cross-platform transactions, make regulations must be updated regularly to remain relevant and effective. Collaboration between governments, businesses, and the public is essential to overcome the various barriers to consumer protection in the digital environment. This effort can be achieved through strengthening regulations, improving the law enforcement system, increasing consumer capacity and knowledge, accompanied by the development of efficient and accessible dispute resolution mechanisms.

4. Conclusion

Online buying and selling agreements in the marketplace are basically a form of legally valid electronic contracts as long as they meet the requirements of Article 1320 of the Civil Code. Online transactions confirm that agreements between the parties can be formed digitally without physical presence, but the practice of using standard clauses causes a power gap between consumers and business actors. Often consumers do not understand the entire content of the terms and conditions, so they have the potential to be harmed when a default occurs. In addition, the advent of cross-border transactions expands the complexity of legal liability as well as dispute resolution jurisdiction. The implementation of consumer protection in the marketplace has been carried out through the pre-transaction, during the transaction, and post-transaction stages. Although several protection mechanisms such as escrow systems, refund services, and complaint channels are available, their implementation in the field still faces obstacles in transparency, supervision, and law enforcement effectiveness. The protection of consumers' personal data is also not optimal because there is no consistent implementation of existing regulations. Low legal and digital literacy has also worsened consumers' bargaining positions in online transactions.

The main obstacles in the implementation of online consumer protection include weak supervision, delays in updating regulations on technological developments, and lack of coordination between law enforcement agencies. The current legal instruments have not functioned optimally due to complex mechanisms and limited public access. Therefore, it is necessary to strengthen regulations that are adaptive to digital dynamics, firm law enforcement, and increase public legal literacy. Marketplaces also need to strengthen internal supervision and ensure transparency of product information so that the principles of good faith and fairness in electronic transactions can be realized in real terms.

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