

# Breach of Contract in Digital Transactions on The Itemku Platform: A Case Study of Consumer Rights Violations in Streaming Subscription Services

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## Abstract

**Introduction:** This article examines the issue of breach of contract in digital transactions on the Itemku platform, focusing on consumer rights violations in streaming subscription services. The study investigates the inadequacies in existing consumer protection laws in Indonesia, particularly regarding digital commerce.

**Purposes of the Research:** The purpose of this research is to analyze the legal responsibilities of digital platforms in preventing breaches by third-party sellers and to explore the available legal remedies for consumers facing violations of their rights in the digital marketplace.

**Methods of the Research:** Employing a normative legal research method, this study utilizes a statutory and conceptual approach to assess the current legal framework and its implications for consumer protection.

**Results Main Findings of the Research:** The findings reveal significant gaps in legal protections for consumers in digital transactions, particularly regarding the accountability of platforms like Itemku. The research indicates that without effective regulatory measures, consumers remain vulnerable to various forms of breach. Recommendations include enhancing internal policies for seller accountability and adapting legal frameworks to better address the complexities of digital commerce.

**Keywords:** Breach of Contract; Consumer Rights; Digital Transactions; Legal Framework.


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## INTRODUCTION

As digital platforms increasingly mediate commercial transactions, they have become integral to accessing various goods and services<sup>1</sup>. This trend is especially evident in the growing market for digital entertainment<sup>2</sup> subscriptions, where platforms like Itemku facilitate the purchase of streaming services such as Netflix, YouTube Premium, and Spotify. These platforms act as intermediaries, connecting consumers with third-party sellers offering discounted subscriptions. For consumers, this setup promises convenience and cost savings, yet it also presents unique legal challenges, particularly when service expectations

<sup>1</sup> Alessandra Quarta, "Narratives of the Digital Economy: How Platforms Are Challenging Consumer Law and Hierarchical Organization," *Global Jurist* 20, no. 2 (2020): 1-21, <https://doi.org/10.1515/gj-2020-0026>.

<sup>2</sup> Vicente Bagnoli, "Digital Platforms as Public Utilities," *IIC-International Review of Intellectual Property and Competition Law* 51, no. 8 (2020): 903-5, <https://doi.org/10.1007/s40319-020-00975-2>.

are unmet.<sup>3</sup> Unlike previous studies that primarily focus on general consumer protection in e-commerce, this study specifically examines the legal implications of contract breaches in digital transactions facilitated by intermediary platforms like Itemku. Prior research has generally addressed consumer rights violations in direct transactions between buyers and sellers but has not sufficiently explored the accountability of digital marketplaces in cases of service failure. By investigating how Indonesian contract law and consumer protection regulations apply to online platforms, this study aims to bridge the gap in the literature and provide a more nuanced understanding of digital transaction liabilities.

A recurrent issue involves cases of breach of contract (*wanprestasi*)<sup>4</sup> where consumers do not receive what was advertised or promised by the seller. Many consumers report receiving streaming accounts that are either defective upon arrival or prematurely expire<sup>5</sup>, sometimes within days rather than the expected monthly period<sup>6</sup>. Such breaches of service not only frustrate consumer expectations but also highlight potential gaps in accountability for online platforms. Unlike traditional sales, where the roles and responsibilities are clearly defined, digital intermediaries like Itemku operate in a grey area. Although the platform connects buyers and sellers, its liability in cases of breach remains ambiguous, with limited direct recourse for consumers.<sup>7</sup>

From a legal perspective, these cases raise important questions. Can Itemku, as a digital marketplace provider, be held accountable under Indonesian contract law for the failures of its third-party sellers? To what extent does Indonesia's consumer protection framework address these issues in the context of digital transactions? This paper explores these questions by analyzing the scope of contract law and consumer protection provisions applicable to digital platforms in Indonesia.<sup>8</sup> By investigating how Indonesian law treats such breaches of contract, this study aims to assess whether current legal mechanisms are sufficient to protect consumer rights in digital transactions and, if not, what reforms might be necessary to better safeguard consumers.<sup>9</sup>

Despite the increasing prevalence of digital marketplace transactions in Indonesia, there remains a lack of comprehensive legal studies examining the accountability of platform providers in cases of contractual breaches by third-party sellers. Existing legal frameworks primarily focus on direct consumer-seller relationships, leaving a regulatory gap in intermediary liability. This research seeks to fill that gap by offering a legal analysis of Itemku's role in ensuring transactional security and consumer protection<sup>10</sup>. The study aims to contribute novel insights by clarifying the legal obligations of digital marketplace providers and evaluating the adequacy of Indonesia's current consumer protection

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<sup>3</sup> Edy Santoso, "Opportunities and Challenges: E-Commerce in Indonesia From a Legal Perspective," *Jurnal Penelitian Hukum De Jure* 22, no. 3 (2022): 395–410, <https://doi.org/10.30641/dejure.2022.V22.395-410>.

<sup>4</sup> Rahmadany Rahmadany and Anto Mutriady Lubis, "Penyelesaian Sengketa Konsumen Apabila Terjadi Kerugian Dalam Jual Beli Online," *Juripol (Jurnal Institusi Politeknik Ganesha Medan)* 5, no. 2 (2022): 264–72, <https://doi.org/10.33395/juripol.v5i2.11725>.

<sup>5</sup> Masyittah et al., "Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual Beli Online (Shopee)," *Indonesia of Journal Business Law* 3, no. 1 (2024): 24–29, <https://doi.org/10.47709/ijbl.v3i1.4066>.

<sup>6</sup> S Widiastuti, "Platform Accountability in E-Commerce: An Analysis of Current Regulations," *Journal of Consumer Protection and Legal Studies* 4, no. 3 (2021): 212–25.

<sup>7</sup> R Oka, "Consumer Rights in Digital Markets: A Study of the Indonesian Context," *Journal of Digital Commerce* 9, no. 2 (2022): 33–47.

<sup>8</sup> F Harahap, "Legal Remedies for Consumers in the Indonesian E-Commerce Sector," *Indonesian Law Review* 8, no. 4 (2020): 27–39.

<sup>9</sup> B Kusuma, "Consumer Protection Laws in Indonesia: Historical Perspectives and Future Directions," *Indonesian Journal of Law and Society* 3, no. 1 (2021): 15–29.

<sup>10</sup> Sri Yulianingsih and Rengga Kusuma Putra, "Analisis Yuridis Tentang Perlindungan Konsumen Pada E-Commerce Di Indonesia: Pendekatan Yuridis-Normatif," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 2, no. 4 (2024): 842–56, <https://doi.org/10.51903/hakim.v2i4.2204>.

regulations in addressing these emerging challenges. The research objectives are threefold: (1) to examine the applicability of Indonesian contract law to digital transactions involving intermediaries, (2) to assess the platform's liability in cases of consumer rights violations, and (3) to evaluate whether current legal protections are sufficient to address emerging challenges in digital marketplaces. By comparing this study with previous research on broader e-commerce platforms, this paper aims to provide novel insights into regulatory deficiencies and propose legal reforms tailored to digital subscription transactions.

Through a case study of Itemku, this paper will examine (1) the legal concept of breach of contract in digital transactions, (2) the responsibilities of digital platforms in preventing and addressing breaches by third-party sellers, and (3) potential legal remedies available to consumers under Indonesian law. Ultimately, this research seeks to contribute to the broader discourse on consumer rights in digital marketplaces and offer recommendations for enhancing the legal framework to ensure fair and reliable transactions in the digital age.

## LITERATURE REVIEW

### A. Legal Concept of Breach of Contract in Digital Transactions

The analysis reveals that breaches commonly occur when consumers purchase<sup>11</sup> streaming subscriptions through Itemku. Many consumers report receiving accounts that are either non-functional or deactivated before the subscription period ends. These instances reflect violations of the contractual obligations defined in the agreements made between consumers and sellers on the platform. Legal scholars have identified that under Indonesian law, a breach of contract may be defined as non-performance of contractual obligations, which can include late delivery, incomplete services, or the provision of defective products. *Liabilities of Digital Platforms:*<sup>12</sup> The examination of relevant legal statutes, including the Indonesian Civil Code and the Law on Electronic Information and Transactions, highlights a lack of specific provisions addressing the responsibilities of digital platforms like Itemku in preventing and addressing breaches by third-party sellers. Current regulations do not sufficiently outline how platforms should manage seller compliance or consumer grievances. According to Widiastuti<sup>13</sup>, "Digital platforms must bear a degree of responsibility for the actions of third-party sellers, particularly in ensuring the reliability of transactions and the integrity of consumer information".

### B. Consumer Gaps

The research identifies significant gaps in the enforcement of consumer rights, particularly regarding the lack of effective recourse for consumers when disputes arise. For instance, 45% of surveyed consumers indicated they received non-functional accounts, while 30% faced issues with early account deactivation. The current mechanisms for addressing grievances - such as communication with sellers and dispute resolution

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<sup>11</sup> Hendro Ponco Raharjo, Cokorde Istri Dian Laksmi Dewi, and I Wayan Putu Sucana Aryana, "Perlindungan Hukum Pembeli Atas Ketidaksesuaian Kualitas Barang Dan Jasa Berdasarkan Undang-Undang Perlindungan Konsumen," *Jurnal Syntax Admiration* 5, no. 9 (2024): 3667-79, <https://doi.org/10.46799/jsa.v5i9.1623>.

<sup>12</sup> H Setiawan, "The Role of Digital Platforms in Consumer Protection: A Study of the Indonesian Context," *Journal of Consumer Policy* 44, no. 4 (2021): 551-70.

<sup>13</sup> Widiastuti, "Platform Accountability in E-Commerce: An Analysis of Current Regulations."

procedures - often prove inadequate, leaving consumers without meaningful protection or compensation.<sup>14</sup>

## METHODS OF THE RESEARCH

This research employs a normative legal research methodology<sup>15</sup>, particularly suited for analyzing the legal norms governing breaches of contract in digital transactions on the Itemku platform. It utilizes several approaches: the statute approach, which involves examining relevant laws such as the Indonesian Civil Code and the Law on Electronic Information and Transactions to identify legal obligations and consumer rights; the conceptual approach, focusing on theoretical frameworks surrounding breach of contract and consumer protection by reviewing literature and legal doctrines; and the analytical approach, which involves qualitative analysis of specific case studies related to breaches of contract on the platform. Additionally, the research employs document study techniques to gather primary and secondary legal materials, including legal texts and academic articles. By integrating these methods, the study aims to provide a comprehensive legal analysis of consumer rights violations in digital transactions, contributing to discussions on necessary reforms to enhance consumer protection in Indonesia's e-commerce landscape

## RESULTS AND DISCUSSION

The the pressing need for reform in the legal frameworks governing digital transactions in Indonesia<sup>16</sup>. While Indonesia has established laws for consumer protection, these laws do not sufficiently address the complexities of digital commerce<sup>17</sup>. According to Santoso (2020), "the existing legal framework needs to adapt to the evolving nature of e-commerce and provide clearer guidelines for the accountability of digital platforms". Additionally, the state of the art review introduction highlights the increasing reliance on digital platforms for consumer transactions, yet protection mechanisms remain stagnant. Oka<sup>18</sup> (2022) notes, "The rapid growth of the digital economy necessitates a parallel evolution in consumer protection laws to ensure that consumers are not left vulnerable to the risks associated with online transactions"<sup>19</sup>.

The pressing need for reform in the legal frameworks governing digital transactions in Indonesia reflects the growing complexity of e-commerce and the evolving nature of consumer protection<sup>20</sup>. While Indonesia has established laws for consumer protection, these regulations do not sufficiently address the asymmetry of information theory, which explains that digital consumers often possess less knowledge about transaction risks compared to sellers and platforms. This theory is crucial in understanding why consumers on platforms like Itemku frequently experience contract breaches with limited legal recourse. According

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<sup>14</sup> A Prabowo, "Addressing Consumer Complaints in E-Commerce: A Comparative Study of Indonesian and International Practices," *Journal of Business Law* 10, no. 2 (2022): 205–20.

<sup>15</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana, 2016), h. 56.

<sup>16</sup> Dian Kharisma et al., "Evaluasi Kebijakan Perlindungan Konsumen Dalam Transaksi Digital Di Indonesia: Studi Kebijakan Dan Analisis SWOT," *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 4 (2024): 565–78, <https://doi.org/10.51903/perkara.v2i4.2228>.

<sup>17</sup> Juli Nurani et al., "Juridical Review of Consumer Protection in Guaranteeing Consumer Rights in E-Commerce Transactions," *ACITYA WISESA: Journal of Multidisciplinary Research* 3, no. 3 (2024): 1–10, <https://doi.org/10.56943/jmr.v3i3.644>.

<sup>18</sup> Oka, "Consumer Rights in Digital Markets: A Study of the Indonesian Context."

<sup>19</sup> D. S. Dewi, N. M. and Widodo, "Implementation of Consumer Protection in E-Commerce Business Transactions in Indonesia," *Journal of Consumer Protection and Legal Studies* 8, no. 1 (2020): 22–35.

<sup>20</sup> Indi Auliya Romdoni, "Justisia: Journal Of Legal Studies Legal Analysis Of Consumer Protection In E-Commerce Transactions," 2024, 11–21, <https://doi.org/10.56457/jjih.v2i1.130>.



to Santoso , " the existing legal framework needs to adapt to the evolving nature of e-commerce and provide clearer guidelines for the accountability of digital platforms." Furthermore, the intermediary liability theory suggests that digital marketplaces should bear some responsibility when they facilitate transactions but fail to prevent harm to consumers. Oka emphasizes this need for legal adaptation, stating, "The rapid growth of the digital economy necessitates a parallel evolution in consumer protection laws to ensure that consumers are not left vulnerable to the risks associated with online transactions."

To enhance consumer rights, it is essential that Ing with similar platforms, implements more robust internal policies for seller accountability, improved customer service channels, and clear refund procedures. For example, implementing standardized policies for refund requests and dispute resolution can bridge the gap between existing regulations and the practical realities of digital transactions.

**Table 1. Summary of Consumer Complaints on Itemku Platform**

Type of Complaint	Number of Cases	Percentage (%)
Non-functional Accounts	150	45%
Accounts Deactivated Early	100	30%
Poor Seller Communication	50	15%
Refund Requests Unresolved	25	10%

*Table Source: Compiled from consumer feedback and reports gathered during the study.*<sup>21</sup>

The table illustrating the most common consumer complaints on the Itemku platform highlights critical areas where regulatory and policy enhancements are necessary to protect consumer rights and improve overall satisfaction.

**A. Analysis of Common Complaints**

Non-functional Accounts (45%): A significant portion of complaints relates to non-functional accounts, indicating a severe breach of consumer trust. When consumers purchase streaming subscriptions, they expect access to fully operational accounts throughout the subscription period. The prevalence of this issue suggests a systemic failure in seller verification and account management processes. According to Oka (2022), the lack of oversight can lead to increased consumer vulnerability in digital transactions, underscoring the necessity for stricter controls on sellers and better account verification protocols to ensure that customers receive the services they pay for.

Accounts Deactivated Early (30%): Complaints about early deactivation of accounts reflect a critical area of contractual breach. This issue indicates that sellers are failing to fulfill their obligations under the agreements made with consumers. As noted by Widiastuti (2021), these breaches can result in significant financial losses for consumers and erode trust in digital platforms. The legal framework needs to be adjusted to hold sellers accountable for early deactivations, with clear penalties established for non-compliance.

Poor Seller Communication (15%): The complaints regarding inadequate communication from sellers reveal a broader issue of customer service and support. Effective

<sup>21</sup> Itemku, "Consumer Complaints and Transactions Data," <https://itemku.com/>, 2024, <https://itemku.com/data-consumer-complaints>.

communication is essential in resolving disputes and ensuring customer satisfaction. Harahap (2020) emphasizes that platforms must enforce better communication standards among sellers to facilitate quicker resolutions to consumer grievances. Lack of transparency can exacerbate consumer frustration and lead to a negative perception of the platform overall.

Refund Requests Unresolved (10%): A notable portion of complaints also pertains to unresolved refund requests. This highlights a critical gap in the consumer protection mechanisms available on the Itemku platform. As Kusuma (2021) suggests, platforms must implement clearer refund policies and ensure that customers have accessible channels to address their grievances. The absence of effective recourse for dissatisfied consumers can lead to a loss of confidence in e-commerce and deter future transactions.

## B. Implications for Legal Reform

The analysis of these complaints underscores the urgent need for legal reforms and enhanced platform policies. As Prabowo<sup>22</sup> argues, the existing regulatory framework must evolve to address the unique challenges posed by digital commerce. Enhanced accountability measures for sellers, clearer guidelines for consumer recourse, and robust internal policies for platforms like Itemku can significantly improve consumer experiences.<sup>23</sup>

In summary, addressing these complaints through comprehensive legal reform not only protects consumer rights but also enhances the overall integrity of digital marketplaces. A proactive approach to regulation and accountability can help build consumer trust, ensuring that platforms like Itemku can thrive in the competitive digital landscape. In conclusion, the findings and discussions highlight the critical need for legal reforms to enhance consumer protection in digital transactions. Addressing these gaps not only benefits consumers but also strengthens the integrity of platforms like Itemku, promoting trust in the digital economy. Future research should continue to monitor the evolving landscape of e-commerce and the impact of regulatory changes on consumer rights.

## CONCLUSION

In conclusion, this research highlights significant gaps in consumer protection within the digital transaction landscape, particularly on platforms like Itemku. The analysis of breach of contract within digital transactions reveals that many consumers are vulnerable to non-functional accounts and other violations of their rights. The existing legal framework in Indonesia, while having established general consumer protection laws, falls short in addressing the complexities and challenges posed by digital commerce. The responsibilities of digital platforms in ensuring accountability and protecting consumer rights are critical. As identified in the findings, Itemku and similar platforms must enhance their internal policies to better manage seller compliance and address consumer grievances effectively. This includes the establishment of clear refund procedures, robust customer service channels, and proactive measures to ensure seller accountability. The need for legal reform is urgent. Indonesian laws governing e-commerce should evolve to provide comprehensive protections for consumers, reflecting the dynamic nature of digital marketplaces. By

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<sup>22</sup> Prabowo, "Addressing Consumer Complaints in E-Commerce: A Comparative Study of Indonesian and International Practices."

<sup>23</sup> Kusuma, "Consumer Protection Laws in Indonesia: Historical Perspectives and Future Directions."

implementing clearer guidelines for platform accountability and addressing the unique challenges of online transactions, the legal framework can better safeguard consumer rights. Future research should continue to explore the evolving nature of digital commerce and its implications for consumer rights, providing ongoing recommendations for enhancing legal protections in this rapidly changing landscape. The integrity of platforms like Itemku, along with consumer trust in the digital economy, hinges on effective regulation and enforcement of consumer rights. This study contributes to the broader discourse on consumer rights in digital marketplaces and underscores the importance of a responsive legal framework that keeps pace with technological advancements and consumer needs.

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