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Consumer Legal Protection in the Digital Era: Indonesia and The European Union

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Abstract

Introduction: *This study compares consumer protection laws in the digital era in Indonesia and the European Union (EU).*

Purposes of the Research: *The study is grounded in consumer protection theory, focusing on the legal principles governing consumer rights, data privacy, and dispute resolution in digital transactions.*

Methods of the Research: *A qualitative comparative approach was employed, analyzing primary legal texts such as Indonesia's Consumer Protection Law and the Personal Data Protection Law, the EU's General Data Protection Regulation (GDPR), and relevant consumer protection directives.*

Results of the Research: *The analysis demonstrates a significant contrast between the two jurisdictions. The European Union has established a highly developed and harmonized legal framework – most notably through the GDPR – which ensures consistent protection of consumer data across its member states. By contrast, Indonesia's legal framework, although supported by the Consumer Protection Law and the Personal Data Protection Law, remains fragmented and continues to encounter challenges in enforcement as well as inter-agency coordination. Whereas the EU adopts a preventive and rights-based regulatory approach designed to safeguard consumers proactively, Indonesia's model tends to be more reactive, relying on sectoral regulations and post-violation enforcement mechanisms. These findings underscore the necessity for Indonesia to strengthen enforcement capacity, enhance regulatory harmonization, and adopt a more comprehensive approach capable of addressing the rapid expansion of digital commerce.*

Keywords: Consumer Protection; Digital Era; Legal Framework.

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INTRODUCTION

The digital transformation in the last few decades has significantly impacted various sectors of life, including the trade sector. The information technology revolution has changed how consumers and business actors interact, primarily through the internet, becoming the main foundation of global trade activities. In this context, e-commerce or electronic commerce has become an inevitable phenomenon, proliferating worldwide. In this digital era, trade activities are no longer limited by geographical boundaries. Consumers worldwide can easily access products and services through various online platforms, which offer convenience and a variety of choices that were previously difficult to obtain in traditional trade. Recent studies have shown that digital transformation is changing how consumers and companies interact and becoming the foundation for product, process, and business model innovation. For example, research by Bresciani[1] found that

[1] Stefano Bresciani et al., "Digital Transformation as a Springboard for Product, Process and Business Model Innovation," *Journal of Business Research* 128 (2021): 204–10, https://doi.org/10.1016/J.JBUSRES.2021.02.003.

digital transformation is a foundation for significant innovation in various aspects of business, including business models that utilize advanced technologies such as big data and artificial intelligence.

This phenomenon is also seen in Indonesia and the European Union, where online commerce has become an integral part of the economy. In 2023, Indonesia showed significant growth in e-commerce usage. Indonesia's e-commerce market size is expected to grow from USD 52.93 billion in 2023 to USD 86.81 billion in 2028, with a compound annual growth rate (CAGR) of 10.4%. In 2022, Indonesia recorded e-commerce business revenue of USD 51.9 billion (around IDR 778.8 trillion), making it the largest among other ASEAN countries. In total, e-commerce revenue in ASEAN in 2022 reached USD 99.5 billion, meaning Indonesia's e-commerce business contributed 52%.[2]

Meanwhile, in the European Union, e-commerce also continues to proliferate in 2023. Although the growth rate of e-commerce has decreased from 12% in 2021 to 6% in 2022, the B2C e-commerce market in Europe continues to show a positive trend. The value of B2C e-commerce transactions in the European Union increased from €849 billion in 2021 to €899 billion in 2022. In 2023, the growth rate is expected to increase slightly to 8%, with the value of B2C e-commerce transactions in Europe projected to increase. This growth is supported by rising consumer confidence and policies that support digital transformation across the continent, providing a clean regulatory environment for e-commerce businesses.[3]

However, along with this progress, new challenges have also emerged related to consumer protection. This is because consumers in the current digital era face various risks different from the previous era, including online fraud, data privacy violations, and unfair trade practices. In Indonesia, for example, data from the Indonesian National Consumer Protection Agency shows that from 2020 to August 21, 2024, the number of consumer complaints related to e-commerce reached 9,509 complaints. Consumer complaints include fraud in online transactions, products that do not match the description, and data privacy violations.[4]

In the European Union, similar problems also occurred, where in 2023 alone, almost 125,000 consumers submitted intervention requests to their local European Consumer Centres (ECC) center. This data shows that more and more consumers need help resolving online transaction problems. Consumers contact the ECC primarily for mediation with local companies when disputes related to e-commerce arise. The main issues reported include sellers' non-compliance with return policies, transaction fraud, and the use of consumers' data without valid permission.[5] In Indonesia, although there are various regulations aimed at protecting consumers, such as the Consumer Protection Law (Law Number 8 of 1999) and the Electronic Information and Transactions Law (Law Number 11 of 2008), there are still challenges in law enforcement and adaptation of regulations to rapid technological developments.[6] On the other hand, the European Union has developed various rules to protect consumers in an increasingly complex digital environment. Directive 2019/2161 introduces new regulations to increase consumer trust in online reviews and strengthens

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[2] International Trade Administration, "Indonesia-Country Commercial Guides" (2024).

[3] Luca Cassetti, "A Word from Ecommerce Europe," *Amsterdam University of Applied Sciences & Ecommerce Europe*, 2023.

[4] "Statistik Pengaduan Badan Perlindungan Konsumen Nasional (BPKN)," n.d.

[5] European Consumer Centres Network, "The European Consumer Centres Network (ECC-Net) in 2023" (European Consumer Centres Network, 2023).

[6] Zulfikri Toguan and Johari Nur, "The Regulation of Indonesian Positive Law in Protecting Consumer Rights in E-Commerce Transactions," *International Journal of Social Science Research* 1 (2019): 1–8.

enforcement mechanisms with higher fines and mandatory remediation mechanisms for consumers affected by unfair trade practices.[7]

Furthermore, this regulation addresses the challenges of using consumers' data in digital transactions. Consumer privacy protection has become a critical issue with the growing development of the data-driven economy. Research conducted by Botta and Wiedemann[8] shows that the interaction between consumer protection law, competition law, and data protection law in the European Union is very complex and requires an integrated approach to address market failures that arise in the digital market. In addition, the importance of consumer protection in cross-border transactions is also a significant concern. For example, although Indonesia has sufficient regulations to protect consumers in domestic e-commerce transactions, consumer protection still has shortcomings in cross-border transactions involving business actors abroad.[9] Therefore, it is essential to conduct an in-depth comparative study between the legal frameworks of Indonesia and the European Union in the context of consumer protection in the digital era. Despite this, previous studies have tended to examine digital transformation or consumer protection in isolation, focusing either on technological innovation or on domestic legal frameworks. Only a few works have provided direct comparative analysis between Indonesia and the European Union, particularly concerning the effectiveness, enforcement, and coordination of their consumer protection systems in addressing digital-era challenges. This gap highlights the limited scholarly discussion on how different jurisdictions adapt their legal mechanisms to the realities of digital trade, especially in cross-border contexts. Therefore, this study seeks to fill this research gap by conducting an in-depth comparative analysis of consumer protection frameworks in Indonesia and the European Union. It focuses specifically on consumer rights, data privacy, and dispute resolution mechanisms as regulated in primary legal instruments, including Indonesia's Consumer Protection Law (Law Number 8 of 1999), the Electronic Information and Transactions Law (Law Number 11 of 2008), and the Personal Data Protection Law (Law Number 27 of 2022), alongside the EU's General Data Protection Regulation (GDPR) and Directive 2019/2161. This study aims to identify the strengths and weaknesses of each legal system in dealing with the challenges that arise along with the development of technology and digital trade. A more comprehensive understanding of the differences and similarities between the two legal frameworks will allow for formulating strategic recommendations, especially in improving consumer protection mechanisms. Thus, the results of this comparative study will benefit both regions studied and potentially contribute significantly to the formation of more effective international standards for protecting consumers in the increasingly complex digital era.

LITERATURE REVIEW

A. Legal Protection Theory

Soerjono Soekanto conceptualized legal protection as an integral mechanism that protects legal subjects through the application of applicable legal instruments. He emphasized that the effectiveness of legal protection is influenced by the synergy of various elements,

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[7] Mateja Đurović, "Adaptation of Consumer Law to the Digital Age: EU Directive 2019/2161 on Modernisation and Better Enforcement of Consumer Law," *Anali Pravnog Fakulteta u Beogradu* 68 (2020): 62–79, https://doi.org/10.5937/AnaliPFB2002062D.

[8] Marco Botta and Klaus Wiedemann, "The Interaction of EU Competition, Consumer, and Data Protection Law in the Digital Economy: The Regulatory Dilemma in the Facebook Odyssey," *SSRN Electronic Journal*, October 2019, https://doi.org/10.2139/SSRN.3462983.

[9] Musleh Herry and Meisy Fajarani, "The Problems of International Civil Law of Indonesia in Protecting Transnational E-Commerce Consumers," *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 3 (2022), https://doi.org/10.29303/ius.v10i3.1042.

including laws, law enforcers, supporting facilities, and the public's acceptance of the law.[10] Meanwhile, Satjipto Rahardjo expanded this concept by emphasizing that legal protection not only focuses on legislative instruments but also on public participation in creating conducive conditions for law enforcement.[11]

Rahardjo argues that the primary goal of legal protection is to ensure that individual rights are protected and maintained in pursuing their interests. On the other hand, C.S.T. Kansil defines legal protection as an effort by law enforcement officials to ensure the security of legal subjects, both physically and mentally, from any form of threat. Kansil also emphasizes the importance of legal protection in maintaining social stability and public order.[12]

B. Basic Concepts of Consumer Protection

Consumer protection is an effort to ensure that consumer rights are respected and protected in economic transactions. Consumer protection covers various aspects, ranging from the right to accurate information, the right to product safety, to the right to file complaints in case of product or service discrepancies. The basic principles of consumer protection, as outlined by Geraint G. Howells and Stephen Weatherill, include transparency, safety, and fairness, all of which aim to balance the interests of consumers and businesses.[13]

The legal framework for consumer protection varies in each country, but in general, developed countries have more comprehensive and integrated regulations. For example, in the member countries of the European Union, consumer protection is regulated by a series of harmonized directives, while in Indonesia, the legal framework is still developing and facing implementation challenges. In a study conducted by Micklitz and Reich[14], they emphasized the importance of harmonizing rules within the European Union to create a fair market for consumers.

C. Consumer Protection in the Digital Era

The development of digital technology brings new challenges to consumer protection, including issues of privacy, data security, and information transparency. According to research by Riefa, the digital era introduces new dynamics such as online trading platforms that are often difficult to regulate by conventional law.[15] Other challenge identified by Max N. Helveston is the proliferation of algorithms and artificial intelligence in decision-making, which can influence consumer choices and potentially harm them.[16]

A study shows that disputes related to products purchased online often involve issues such as product description discrepancies, delivery delays, and the complexity of return mechanisms. In the European Union, cases like Amazon versus Bundeskartellamt highlight the challenges in regulating large e-commerce platforms that have a dominant market position. This case shows that strict and effective regulations are necessary to protect consumers from unfair trade practices, especially in terms of transparency and protection

[10] Sarjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat), Cetakan Delapan.* (Jakarta: Raja Grafindo Persada, 2004).
[11] Satjipto Rahardjo, *Hukum dalam jagat ketertiban: bacaan mahasiswa program doktor ilmu hukum Universitas Diponegoro* (UKI Press, 2006).
[12] C S T Kansil, *Pengantar ilmu hukum dan tata hukum Indonesia* (Balai Pustaka, 1989).
[13] Geraint G Howells and Stephen Weatherill, *Consumer Protection Law* (Dartmouth, 1995).
[14] Norbert Reich et al., *European Consumer Law* (Intersentia, 2014).
[15] T Dodsworth et al., "Editorial: Digital Vulnerability," *Journal of Consumer Policy* 46, no. 4 (2023): 413–17, https://doi.org/10.1007/s10603-023-09555-6.
[16] Max N Helveston, "Consumer Protection in the Age of Big Data," *Washington University Law Review* 93, no. 4 (2016).

of consumer rights.[17] In Indonesia, cases such as consumer concerns over personal data by large e-commerce marketplaces highlight the need for stronger law enforcement.[18]

D. Legal Framework in Indonesia

Indonesia has established a legal framework for consumer protection through Law No. 8 of 1999 concerning Consumer Protection. This regulation is very important in protecting consumer rights in various types of transactions, including those conducted digitally. However, the implementation of this law faces significant challenges, especially in the rapidly developing digital context. One of the main challenges in enforcing this regulation is the lack of effective law enforcement and low consumer awareness, as highlighted by Rinitami Njatrijani and Bagus Rahmanda.[19] The effectiveness of consumer protection is hampered by inadequate enforcement mechanisms and a lack of consumer knowledge about their rights and available legal measures.

In the context of digital transactions, Indonesia still faces various issues related to personal data protection and oversight of online trading. Although there are efforts to strengthen regulations through the Draft Law on Personal Data Protection, its implementation has not yet reached the desired level of effectiveness. As revealed by Azhari & Soetopo, although this law aims to provide a legal basis for personal data protection in e-commerce, its enforcement is still far from optimal.[20] The complexity of law enforcement related to e-commerce platforms further exacerbates this challenge because the legal framework struggles to keep up with the dynamics and borderless nature of digital transactions.[21]

E. Legal Framework in the European Union

The European Union (EU) has developed a well-coordinated regulatory system for consumer protection, particularly in facing the challenges of the digital era. One of the main instruments in this regulatory framework is the Digital Consumer Directive 2019/770, which specifically regulates contracts for the provision of digital content and services.[22] This directive emphasizes that consumers have the right to receive digital products that conform to the agreed contract and the right to compensation or legal remedies if there is a breach of the established contract.[23]

Law enforcement in the European Union is considered more effective than in many other jurisdictions, largely due to the presence of strong supervisory institutions and coordination mechanisms between member states. The European Consumer Centres Network (ECC-Net), for example, plays a central role in handling cross-border disputes involving

[17] "Proceedings against Amazon Based on New Rules for Large Digital Companies (Section 19a GWB)," *Bundeskartellamt*, n.d.

[18] Rahmi Ayunda, "Personal Data Protection to E-Commerce Consumer: What Are the Legal Challenges and Certainties?," *Law Reform: Jurnal Pembaharuan Hukum* 18, no. 2 (2022): 144–63, https://doi.org/10.14710/LR.V18I2.43307.

[19] Rinitami Njatrijani and Bagus Rahmanda, "A Study of Legal Protection of Consumers in E-Commerce Transactions," in *Proceedings of the 2nd International Conference on Law, Economic, Governance, ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia* (Semarang, Indonesia: EAI, 2021), https://doi.org/10.4108/eai.29-6-2021.2312651.

[20] Tubagus Muhammad Ali Ridho Azhari and Maria Grasia Sari Soetopo, "Protection of Personal Data in Transactions Using ECommerce in the Perspective of Indonesian Law (An Overview)," *International Journal of Research and Innovation in Social Science*, 2022, https://doi.org/10.47772/ijriss.2022.61222.

[21] Bambang Eko Muljono, Dhevi Nayasari Sastradinata, and Hadziqotun Nahdliyah, "Legal Protection Against Consumers in E-Commerce Transaction," *Jurnal Independent*, 2022, https://doi.org/10.30736/ji.v10i1.158.

[22] Raphaël Gellert, "The EU's New Directives on Digital Contracts, and Artificial Intelligence: Really Future Proof?," *European Review of Private Law* 29, no. 3 (2021): 403–24, https://doi.org/10.54648/ERPL2021021.

[23] Dino Gliha, "The Digital Content Directive's Implications on The Exercise Ff Copyright And Market Competition," *InterEULawEast : Journal for the International and European Law, Economics and Market Integrations* 10, no. 1 (2023): 21–44, https://doi.org/10.22598/iele.2023.10.1.2.

consumers in various EU member states. This network provides assistance and advice to consumers, helping them overcome problems related to cross-border transactions.[24]

In addition, strict law enforcement against large technology companies such as Google and Facebook shows the European Union's commitment to protecting consumers in the digital era. This action reflects efforts to balance business interests with consumer protection, especially in the context of targeted advertising and the use of personal data.[25] Thus, the coordinated regulatory system in the European Union, through the Digital Consumer Directive 2019/770 and strong supervisory institutions, creates a framework that supports consumer protection in the digital market.[26]

METHODS OF THE RESEARCH

This research employs a qualitative approach with a comparative study method, chosen due to its exploratory and descriptive nature. This approach allows the researcher to gain an in-depth understanding of the characteristics, dynamics, and implementation of consumer protection law in the digital era in two distinct contexts: Indonesia and the European Union. Comparative study, in this context, is specifically used to analyze the differences and similarities in legal frameworks, including legal principles, legal structures, and implementation mechanisms in both regions. As Creswell explains, a qualitative approach is particularly suitable for understanding the social, cultural, and institutional contexts that shape the phenomenon under study—in this case, consumer protection in digital transactions.[27] This research relies on two types of data sources: primary and secondary data. First, the primary data sources consist of laws, regulations, and policies related to consumer protection that apply in the European Union and Indonesia. These legal documents will be analyzed to identify the structure, objectives, and mechanisms of consumer protection in each region. Second, the secondary data sources include journal articles, books, government reports, and case studies relevant to consumer protection in the digital era. The use of both primary and secondary data allows for triangulation, increasing the validity and reliability of the findings. The data collection technique employed is document study, which involves a systematic review and analysis of legal texts, policies, and regulations applicable in the EU and Indonesia. According to Bowen, document analysis is an effective method for obtaining in-depth insights from written sources, allowing researchers to capture both the explicit content and the underlying implications of legal frameworks.[28] The use of various data sources, both primary and secondary, allows researchers to develop a more comprehensive understanding and triangulation of data to increase the validity of the research findings. The data collection technique used in this research is document study. Document study is conducted by analyzing the laws, regulations, and policies that apply in the European Union and Indonesia related to consumer protection in the digital era. Document study is important for understanding the substance and implementation of law in both regions, as explained by Bowen, that document analysis is an effective technique for obtaining in-depth data from written

[24] "Consumer Protection – Free Legal Help and Advice European Consumer Centers Network," n.d.

[25] Younas Ammar and Bakhodir ogli Mirzaraimov, "To What Extent Are Consumers Harmed in the Digital Market from the Perspective of the GDPR?," *International Journal Of Multidisciplinary Research And Analysis*, n.d.

[26] Rosa Barceló Compte, "From Conformity to Sustainability: Understanding the Implications of Digital Content Modifications under Directives 2019/770 and 771," *Global Jurist* 24, no. 1 (2024): 25–54, https://doi.org/10.1515/gj-2023-0005.

[27] John W Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (SAGE, 2014).

[28] Robert K Yin, *Case Study Research* (SAGE Publications, 2014).

sources.[29] For data analysis, this study uses a comparative technique to systematically identify differences and similarities between consumer protection frameworks in Indonesia and the European Union. Comparative analysis enables the identification of best practices, which may be adapted or adopted to improve consumer protection in both contexts. As Ragin highlights, comparative analysis is valuable for detecting patterns and variations among cases, thereby providing a deeper understanding of legal and regulatory dynamics.[30] In addition, the study employs descriptive analysis to present the actual conditions of policy implementation and its impact on consumer protection in both regions. Descriptive analysis provides a detailed depiction of how laws operate in practice, highlighting both strengths and gaps. According to Miles, Huberman, and Saldana, descriptive analysis is essential for presenting rich, detailed, and contextualized data about the phenomenon under investigation.[31] Through this integrated qualitative-comparative-descriptive approach, the study aims to produce a comprehensive understanding of consumer protection frameworks, offering insights into how Indonesia can strengthen its legal mechanisms by learning from the European Union's experience, and providing recommendations for improving consumer protection in the digital era.

RESULTS AND DISCUSSION

A. Comparison of Consumer Protection Legal Frameworks: Regulatory Analysis between Indonesia and the European Union

Consumer protection is an important element in a country's legal framework that functions to protect consumer rights and ensure that they are not harmed by unfair business practices. A comparison between the consumer protection legal frameworks in Indonesia and the European Union (EU) provides important insights into differences in regulatory approaches and implementation, which can be influenced by different socio-economic and legal contexts. Consumer protection regulations are important instruments in maintaining a balance between the interests of consumers and businesses. Both Indonesia and the European Union (EU) have regulatory frameworks aimed at protecting consumers, but there are significant differences in the approaches and implementation used by each region. Both recognize the importance of consumers' right to obtain accurate information, access safe products and services, and fair dispute resolution mechanisms. Both jurisdictions emphasize the need for transparency in information to consumers. Businesses are required to provide clear, accurate, and non-misleading information about the products or services offered. This includes information about price, quality, composition, and potential risks from the use of the product.

In Indonesia and the European Union, consumers have the right to obtain compensation if they suffer losses due to defective products or services or those that do not meet the promised standards. This compensation mechanism can take the form of product replacement, repair, or a refund. Both regions have strict regulations regarding products that could potentially endanger consumers. Both Indonesia and the European Union set safety standards for products that must be met by manufacturers before these products can be marketed. In Indonesia, consumer protection regulations, as outlined in Law Number 8

[29] Glenn Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9 (2009): 27–40, https://doi.org/10.3316/QRJ0902027.
[30] Charles C Ragin, *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies* (University of California Press, 1989).
[31] Matthew B Miles, A Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (SAGE Publications, 2013).

of 1999 concerning Consumer Protection, are more general and national, with an emphasis on basic consumer protection. Regulations in Indonesia tend to allow for broader interpretation and lack harmonization in some sectors. The issue of overlapping consumer protection laws in Indonesia is a relevant issue to discuss, given the complexity of regulations and the number of institutions involved in consumer protection.[32] In contrast, the European Union adopts a more comprehensive and harmonized approach with various directives and regulations that apply across member states. Each member state is required to adjust their national laws in accordance with the standards set by the European Union, creating consistency across the EU region. Law enforcement in Indonesia often faces challenges such as a lack of resources, low consumer awareness, and suboptimal legal infrastructure. Institutions such as the National Consumer Protection Agency and Community-Based Consumer Protection Institutions play important roles but often lack the capacity to effectively handle all cases. Law enforcement in the European Union is more coordinated and consistent, supported by a network of consumer protection authorities in each member state. The European Union also has stricter sanction mechanisms and the ability to carry out cross-border enforcement actions through the European Consumer Centres (ECC-Net).[33]

Standards applied in consumer protection regulations in Indonesia are often less uniform between sectors. This can lead to legal uncertainty and different treatment between different products or services. The European Union applies a high level of harmonization and standardization through regulations such as the General Product Safety Directive and the Consumer Rights Directive. This ensures that consumers across the European Union have the same protection, regardless of the member state they are in. Consumer awareness in Indonesia is relatively lower compared to the European Union. Although there are efforts to increase consumer education, challenges such as varying levels of literacy and limited access to information remain major barriers. Consumers in the European Union are generally more informed and have better access to resources and information about their rights.[34] Consumer education is an integral part of consumer protection policy in the European Union. The comparison between the legal protection frameworks of Indonesia and the European Union can be seen in the following table:

Table 1. Comparison of Consumer Protection Legal Frameworks in Indonesia and the European Union

No	Comparison	Indonesia	European Union
1	Legal Basis	Law Number 8 of 1999 concerning Consumer Protection	General Product Safety Directive (2001/95/EC): Regulates the obligation to only market safe products in the European Union.
		Law Number 30 of 2009 concerning Electricity	Consumer Rights Directive (2011/83/EU): Regulates consumer rights related to purchase contracts, including the
		Law Number 36 of 2009 concerning Health	

[32] "Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," accessed September 4, 2025, https://peraturan.bpk.go.id/Details/45288/uu-no-8-tahun-1999.
[33] Consumer Centres Network, "The European Consumer Centres Network (ECC-Net) in 2023."
[34] Diana Desiree Hardigaluh and M Sofyan Pulungan, "Comparative Study on Legal Certainty of Consumer Protection Regarding E-Commerce Transactions, Between Indonesia, India and the United States," *Musamus Law Review* 5, no. 1 (2022): 1–17, https://doi.org/10.35724/MULAREV.V5I1.4858.

			right to cancellation and return of goods.
		Law Number 18 of 2012 concerning Food Law Number 7 of 2014 concerning Trade	Unfair Commercial Practices Directive (2005/29/EC): Prohibits unfair business practices.
		Law Number 33 of 2014 concerning Guarantees for Halal Products Law Number 11 of 2008 *in conjunction with* Law Number 1 of 2024 concerning Information and Electronic Transactions	Various other regulations and directives, including the E-Commerce Directive, Alternative Dispute Resolution (ADR) Directive, and Online Dispute Resolution (ODR) Regulation.
2	Regulatory Approach	Sectoral and decentralized approach: Consumer protection regulations in Indonesia consist of various complementary laws, but sometimes overlap.	Harmonization and integration approach: EU regulations tend to be more comprehensive and cover various aspects of consumer protection across sectors.
3	Implementation and Law Enforcement	Institutional: Law enforcement often faces challenges such as lack of resources and coordination between institutions.	Institutional: Law enforcement is coordinated by consumer protection authorities in each member state with support from the European Commission.
		Consumer Awareness: Relatively low, with limited consumer education, especially in rural areas.	Consumer Awareness: Higher, with broad access to information and efficient dispute resolution mechanisms.
4	Consumer Rights	Basic rights: Include the right to comfort, security, safety, and accurate information. However, the implementation of these rights is often hindered by low consumer awareness and limited institutional capacity.	Stronger consumer rights: The right to return goods within 14 days without reason, the right to clear information, and protection from unfair commercial practices are regulated in great detail.
		Dispute Resolution: Consumers can resolve disputes through the Consumer Dispute Settlement Body or the courts, but access to justice is often difficult, especially in remote areas.	Dispute Resolution: There are more efficient and accessible dispute resolution mechanisms, including the option to resolve disputes online through the ODR platform.

Source: Processed Data, 2025,

Based on the explanations above, it can be concluded that consumer protection regulations in Indonesia and the European Union have the same goal of protecting consumers but are implemented with different approaches. The European Union shows a higher level of harmonization and law enforcement, supported by a comprehensive and well-coordinated regulatory framework. Meanwhile, Indonesia, despite having a strong legal basis for consumer protection, faces challenges in implementation and law enforcement.[35] These differences reflect the different socio-economic and legal conditions in

[35] Toguan and Nur, "The Regulation of Indonesian Positive Law in Protecting Consumer Rights in E-Commerce Transactions."

both regions. However, the similarities indicate that consumer protection remains a top priority in both jurisdictions, with the ultimate goal of creating a fair and safe market environment for consumers.

B. Differences and Similarities Between Regulations in Both Regions

The differences and similarities between consumer protection regulations in the digital era in Indonesia and the European Union reflect differences in the level of legal development, digital infrastructure, and policy priorities in both regions. Before examining the differences and similarities between the regulations in both regions, it is necessary to first examine the cases related to consumer protection in the digital era that occurred in both Indonesia and the European Union. In Indonesia, consumer protection is regulated under Law Number 8 of 1999 on Consumer Protection and Law Number 11 of 2008 on Electronic Information and Transactions. These laws provide the legal foundation for consumers to receive clear, safe, and fair information in electronic transactions. However, their implementation still faces challenges, such as limited legal awareness among consumers and business actors, as well as resource constraints for law enforcement.[36] In addition, Indonesia struggles to adapt regulations to keep pace with rapidly evolving technology. By contrast, the European Union has developed a more mature and comprehensive legal framework. Directive 2019/2161 addresses transparency in online reviews and strengthens enforcement mechanisms, including higher fines and mandatory remediation for consumers affected by unfair commercial practices. This regulation also tackles the challenges of consumer data usage in digital transactions, with a strong focus on privacy and data security.[37]

Personal data protection has become a critical issue in the digital era. Indonesia enacted Law Number 27 of 2022 on Personal Data Protection (PDP Law), which adopts principles similar to the European Union's General Data Protection Regulation (GDPR). Both regulations emphasize data subject rights, the legal basis for data processing, and the obligations of data controllers and processors.[38] However, significant differences exist regarding scope, enforcement mechanisms, and supervisory authority powers. The GDPR grants more robust authority to supervisory bodies with stricter sanctions, whereas Indonesia's PDP Law still faces challenges in effective implementation and law enforcement. In Indonesia, consumer disputes can be resolved through litigation in general courts or via the Consumer Dispute Settlement Agency .[39] Consumer Dispute Settlement Agency offers an alternative dispute resolution mechanism outside the court system based on principles of speed, affordability, and simplicity. However, its effectiveness is limited by low public awareness and insufficient resources. In contrast, the European Union provides more structured and integrated mechanisms, such as the European Consumer Centers Network (ECC-Net), which offers mediation and legal assistance for cross-border consumer disputes. This mechanism is supported by clear regulations and stronger enforcement, enhancing consumer confidence in digital transactions.[40]

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[36] N G N Renti and Maharaini Kerti, "The Existence and Challenges of Consumer Dispute Settlement Agency in Indonesia in Globalization Era," *Indonesian Journal of Multidisciplinary Science* 3, no. 3 (2023): 233–38, https://doi.org/10.55324/IJOMS.V3I3.739.

[37] Ahmad Refi Dzuhriyan, Surya Indra Permana, and M. Khaidir Ali Gufron, "Consumer Legal Protection in Online Transactions: Challenges and Opportunities in Indonesia's Digital Economy," *Justice Voice* 3, no. 1 (2024): 9–16, https://doi.org/10.37893/JV.V3I1.1017.

[38] "Undang-Undang Nomor 27 Tahun 2022," accessed September 4, 2025, https://jdih.komdigi.go.id/produk_hukum/view/id/832/t/undangundang+nomor+27+tahun+2022.

[39] Ayunda, "Personal Data Protection to E-Commerce Consumer: What Are the Legal Challenges and Certainties?"

[40] Christopher Kuner et al., "The EU General Data Protection Regulation: A Commentary/Update of Selected Articles," *SSRN Electronic Journal*, May 4, 2021, https://doi.org/10.2139/SSRN.3839645.

C. E-Commerce Fraud and Personal Data Theft Cases in Indonesia

In practice, online transactions often lead to various problems that tend to harm consumers and raise various legal issues related to their implementation. Based on data collected by the Ministry of Communication and Information Technology, there were 1,730 online fraud content recorded during the period from August 2018 to February 2023.[41] The losses caused by online fraud in Indonesia reached IDR 187 trillion during 2017-2021. It is important to note that e-commerce or online transactions are dynamic activities involving technology, applications, and business processes that connect companies, consumers, and communities through electronic transactions and the electronic trade of goods, services, and information. One prominent case in Indonesia is fraud that occurs on marketplace platforms. For example, a consumer purchases an item through platforms such as Shopee and TikTok Shop, but the item received does not match the description or is not delivered at all.[42] The Cash on Delivery (COD) scam method has also been commonly experienced by customers recently. Customers who are tempted by low prices and product images on the marketplace directly place an order. When the item arrives, it does not meet expectations and the product description. Customers who have placed an order through the COD method have no choice but to make the payment. There have also been cases where e-commerce platforms offer large discounts that turn out to be fictitious, by first raising the price before giving the discount so that the price after the discount is not much different from the normal price.

In addition to e-commerce fraud through marketplace platforms, customer data theft cases are also vulnerable to customers. In 2020, there was a data breach of users on several major e-commerce platforms such as Tokopedia, where the personal data of millions of users was leaked and traded on the dark web.[43] This raises significant concerns about how these platforms protect user data. Besides Tokopedia, there have been data breaches involving companies like Indihome and the State Electricity Company. All this data was openly traded on an online forum. Some experts argue that the data is authentic and comes from each company's server or data storage system. This prompted the Indonesian government to accelerate the discussion of the Personal Data Protection Bill (PDP), which was finally passed in 2022. This law provides a stronger legal framework for personal data protection for consumers in the digital era.[44]

D. E-Commerce Fraud and Personal Data Theft Cases in the European Union

In the European Union, in 2018, Facebook was fined a substantial amount by the European Union's General Data Protection Regulation (GDPR) for alleged misuse of personal data, including through the Cambridge Analytica scandal. The GDPR grants strong rights to consumers regarding their personal data, including the right to know how their data is used and the right to delete it. As one of the largest social media platforms, Facebook eventually paid a fine of hundreds of millions of euros and was forced to improve its privacy policy in Europe to comply with GDPR regulations. Furthermore, in 2020, the European Commission conducted an investigation into Amazon.com on allegations of using third-party data on its platform to identify popular products in the marketplace and then offer similar products at a lower price. This was considered detrimental to small sellers

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[41] "Tingkatkan Literasi Keamanan Digital Untuk Cegah Penipuan Online," n.d.
[42] "Viral Modus Penipuan COD Di TikTok, Kiriman Tak Sesuai Pesanan," n.d.
[43] "Cerita Lengkap Bocornya 91 Juta Data Akun Tokopedia," n.d.
[44] Achmad Zulfa Andikatama and Bambang Eko Turisno, "Consumer Protection Law in the Digital Era," *International Journal of Social Science and Human Research* 7, no. 07 (2024), https://doi.org/10.47191/IJSSHR/V7-I07-03.

and created unfair competition. The investigation found that Amazon committed several violations of competition law, forcing them to pay fines and change their business practices to comply with competition rules in the European Union. In 2023, TikTok faced criticism and investigation in the European Union regarding how the app collects and uses children's data.[45] The European Commission was concerned that TikTok was violating children's rights under the GDPR and other consumer protection rules. TikTok then announced a series of changes to its privacy policy, particularly regarding users under the age of 18, and complied with the European Commission's request to be more transparent in managing children's personal data. Based on the cases previously described, both Indonesia and the European Union have made efforts to protect consumers in the digital era, such as e-commerce fraud, personal data misuse, and unfair business practices. In Indonesia, consumer protection efforts continue to be strengthened through the enactment of new laws and regulations, such as Law Number 27 of 2022 on Personal Data Protection and the revision of the Electronic Information and Transactions Law. Meanwhile, in the European Union, regulations such as the GDPR provide strong protection for consumers, particularly regarding privacy and personal data. These cases highlight the importance of adaptive regulations and strict law enforcement in protecting consumers in the digital era.

E. Evaluation of Consumer Protection Law Effectiveness in the Digital Era

The enforcement of consumer protection laws in Indonesia and the European Union shows significant differences in terms of effectiveness, structure, and challenges faced. The European Union, with its mature and well-coordinated legal system, is able to provide more comprehensive and strict protection, especially in the area of personal data protection. Meanwhile, Indonesia, despite making important progress, still faces various challenges in terms of law enforcement and regulatory implementation, especially related to e-commerce and data protection in the digital era. Efforts to improve coordination, law enforcement capacity, and public awareness are key to future improvements for both regions. Both legal frameworks, in Indonesia and the European Union, have strengths and weaknesses that reflect the level of legal development, enforcement capacity, and socio-economic context of each region. The identification of the strengths and weaknesses of the consumer protection legal frameworks in both regions can be seen in the following table:

Table 2. Identification of Strengths and Weaknesses of Consumer Protection Regulations in Indonesia and the European Union

Region	Strengths of Consumer Protection Regulations	Weaknesses of Consumer Protection Regulations
Indonesia	**Strong and Comprehensive Legal Basis**	**Weak Law Enforcement**
	Consumer Protection Law Number 8 of 1999 provides a clear legal framework regarding consumer and business rights and obligations. This law regulates various aspects of consumer protection, including business responsibility, consumer rights, and dispute resolution mechanisms.	Although the legal framework exists, law enforcement remains a major challenge. Limited resources, such as personnel and infrastructure, hinder the effective implementation of existing regulations. This often results in consumer rights violations not being properly addressed or sanctioned.

[45] "Tiktok Didenda Rp5,65 Triliun Terkait Data Anak-Anak Di Eropa - ANTARA News," n.d.

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	Personal Data Protection Act of 2022 strengthens personal data protection, which is highly relevant in the digital era. This law establishes principles for personal data management and sanctions for violations.	**Suboptimal Inter-Agency Coordination:** There are weaknesses in coordination between government agencies responsible for consumer protection. For example, the synergy between the Ministry of Trade, National Consumer Protection Agency, and Kominfo is often not optimal, leading to inefficiency in handling consumer protection cases.
	Available Dispute Resolution Mechanisms	**Low Legal Awareness and Understanding**
	The establishment of the Consumer Dispute Settlement Body provides consumers with access to quick and inexpensive dispute resolution. Consumer Dispute Settlement Body serves as an alternative dispute resolution forum outside the courts that can reach the wider community.	Low legal awareness among consumers and businesses often results in low compliance with regulations. Many consumers are unaware of their rights or do not know how to seek justice when their rights are violated.
European Union	**Comprehensive and Harmonized Regulations**	**Different Implementation in Member States**
	The European Union has very comprehensive and harmonized regulations across its member states. The General Data Protection Regulation (GDPR), for example, is one of the strictest personal data protection regulations in the world, providing high protection for consumers across the EU.	Although EU regulations are designed to be applied uniformly, implementation at the national level can vary. Member states with lower law enforcement capacity may struggle to implement regulations effectively, creating inconsistencies in consumer protection across the EU.
	Directive 2011/83/EU and Directive 2005/29/EC regulate consumer rights in distance transactions, including e-commerce, and prohibit unfair business practices.	
	Strong and Coordinated Law Enforcement	**Regulations Sometimes Too Strict for Small and Medium Enterprises**
	Law enforcement in the EU is supported by institutions such as the European Data Protection Board (EDPB), which coordinates the implementation of the GDPR across member states. The EU also imposes heavy penalties on companies that violate regulations, including significant fines that encourage high compliance.	Some regulations, such as the GDPR, although important, are sometimes considered too burdensome for small and medium enterprises (SMEs) due to high compliance costs. This can be a barrier for SMEs in operating in the digital market, even though the goal is to protect consumers.
	Consumer Access to Effective Legal Mechanisms	**Complex Adaptation to New Technologies**

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	Consumers in the EU have good access to dispute resolution mechanisms, both through the courts and through alternative dispute resolution institutions. EU regulations also promote transparency and accountability, making it easier for consumers to claim their rights.	The European Union faces challenges in quickly adapting its regulations to new technologies such as AI, big data, and blockchain. Existing regulations are sometimes considered less responsive to rapid technological changes, requiring continuous updates.

Source: Processed Data, 2025.

Based on the table above, it can be seen that Indonesia has a strong legal basis but still faces major challenges in law enforcement and inter-agency coordination, as well as low legal awareness among the public. On the other hand, the European Union has offered a comprehensive and well-coordinated legal framework, but it faces challenges in ensuring consistent implementation of regulations across member states and in adapting to new technologies. However, both regions have shown a strong commitment to protecting consumers, especially in facing the challenges that arise in the digital era.

F. Implementation Challenges: Identifying Key Issues in Indonesia and the European Union

In Indonesia, the enforcement of consumer protection laws remains constrained by several structural and institutional factors. Low levels of legal awareness among both consumers and business actors limit the effectiveness of statutory protections. Furthermore, enforcement agencies face resource limitations, while the regulatory framework itself often lags behind the rapid pace of technological change.[46] These shortcomings are further exacerbated by bureaucratic inefficiencies and weak inter-agency coordination, which collectively hinder consistent and effective implementation. By contrast, the European Union operates under a comparatively robust and harmonized legal framework. Nevertheless, challenges persist, particularly in ensuring uniform enforcement across member states with diverse legal systems and institutional capacities. Moreover, the dynamic nature of digital markets compels continuous regulatory adaptation, thereby requiring strong coordination between member states and supervisory authorities to maintain coherence and effectiveness.

A comparative assessment reveals fundamental differences in both the scope and enforcement of consumer protection regulations. The EU benefits from integrated regulations and stronger enforcement mechanisms, while Indonesia is still consolidating its legal architecture and institutional capacity.[47] Despite these disparities, both jurisdictions share the normative objective of safeguarding consumer rights in the digital era, albeit through divergent approaches and strategies. The implications of these divergences are significant. Consumers within the EU generally enjoy more comprehensive protection, including greater access to dispute resolution mechanisms and higher levels of trust in digital transactions.[48] In Indonesia, by contrast, persistent enforcement gaps and institutional weaknesses continue to undermine the realization of consumer rights, thereby

[46] Julia Choeirunnissa et al., "Legal Protection for E-Commerce Business Actors Regarding Consumer Reviews," *Jurnal Impresi Indonesia* 3, no. 5 (2024): 367–71, https://doi.org/10.58344/JII.V3I5.4852.

[47] Hardigaluh and Pulungan, "Comparative Study on Legal Certainty of Consumer Protection Regarding E-Commerce Transactions, Between Indonesia, India and the United States."

[48] Sidi Ahyar Wiraguna, Abdullah Sulaiman, and Megawati Barthos, "Implementation of Consumer Personal Data Protection in Ecommerce from the Perspective of Law No. 27 of 2022," *Journal of World Science* 3, no. 3 (2024): 410–18, https://doi.org/10.58344/JWS.V3I3.584.

highlighting the need for further reforms aimed at strengthening both regulatory design and practical enforcement.

CONCLUSION

In the comparative study between the consumer protection legal frameworks in Indonesia and the European Union, it was found that both regions have different approaches to protecting consumers in the digital era. These differences are adjusted to the level of legal development, infrastructure, and socio-economic context of each region. The European Union has a more comprehensive and harmonized legal framework, especially with the General Data Protection Regulation (GDPR), which has become a global standard in personal data protection. Law enforcement in the European Union is also supported by strong coordination between relevant institutions and the application of significant sanctions that encourage high compliance. However, the challenges faced by the European Union include different implementations at the national level and the need to continually adapt to rapidly developing technologies. Meanwhile, Indonesia, on the other hand, has a strong legal framework in the form of the Consumer Protection Law and the Personal Data Protection Law. However, law enforcement in Indonesia still faces various challenges, including limited resources, less effective coordination between institutions, and low legal awareness among the public. The rapid development of digital technology also demands more responsive and adaptive regulations. To address this, Indonesia needs to strengthen law enforcement capacity through the improvement of human resources, technology, and adequate infrastructure. This includes training for law enforcement officials and improving coordination between relevant institutions to ensure effective handling of consumer rights violations. Consumer education and legal awareness campaigns need to be enhanced in Indonesia to ensure that consumers and businesses understand their rights and obligations. This will encourage higher compliance with regulations and strengthen overall consumer protection. In Indonesia, consumer dispute resolution mechanisms such as Consumer Dispute Settlement Body must be strengthened and optimized to become a more effective alternative for consumers. Meanwhile, in the European Union, efforts to expand accessibility and efficiency in dispute resolution mechanisms should continue to be promoted to ensure that consumer rights can be enforced quickly and fairly. On the other hand, for the European Union, they must continue to promote the harmonization of regulation implementation across member states, ensuring that consumer protection can be applied consistently. Additionally, regulations must be continuously updated to accommodate new technological developments such as artificial intelligence and blockchain to remain relevant and effective in protecting consumers. Both Indonesia and the European Union must develop more responsive policies to digital technology developments. Adaptive and innovative regulations are needed to address the new challenges that arise in the digital era, such as data security, privacy protection, and protection against online fraud. With these measures, it is expected that consumer protection in the digital era, both in Indonesia and the European Union, can be significantly improved, ensuring consumer rights amidst the rapidly growing and complex technological developments.

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