

Legal Protection for Consumers in Electronic Commerce Business Transaction (Perspective of Government Regulation Number 74 of 2012 Regarding Consumer Protection)

Hendratno

Magister Student Faculty of Law, Universitas Islam As-Syafi'iyah, Indonesia
al_indra19@yahoo.com

Abstract

Business transactions involve interactions between two parties, namely sellers and consumers. Consumers are considered very vulnerable in business transactions, especially in terms of the quality of the product or service provided by the seller. Therefore, legal protection for consumers is very important in business transactions. This research uses a qualitative descriptive method by collecting data through literature studies, by reading and analyzing laws and regulations and journals related to legal protection for consumers in business transactions. The research results show that Law Number 8 of 1999 concerning Consumer Protection provides legal protection for consumers in business transactions, such as the ability to receive accurate and correct details regarding the products or services obtained, the right to choose the desired product or service, and the right to obtain a refund if the product or service provided does not match what was promised. Apart from that, Government Regulation Number 74 of 2012 concerning Consumer Protection in Electronic Commerce also provides legal protection for consumers in business transactions carried out online. However, there are still many problems in legal protection for consumers in online business transactions in Indonesia, such as weak law enforcement against parties who violate consumer rights and lack of consumer awareness of their rights in electronic business transactions.

Keywords: *legal protection, consumer, business transaction, laws*

I. INTRODUCTION

Business transactions are an inevitable activity in human life. On a daily basis, humans conduct transactions to fulfill their needs, such as buying food, drinks, clothes, and so on. Business transactions involve interaction between two parties, namely the seller and the consumer. Consumers in business transactions are often the vulnerable party, especially in terms of the quality of goods or services provided by the seller (Khotimah *et al.*, 2016).

Therefore, legal protection for consumers is very important in business transactions. Adequate legal protection for consumers can also prevent fraud, counterfeiting, and

the sale of products or services that are defective or not as promised. Legal protection for consumers can also increase consumer confidence in transactions and help maintain the market stability.

Several laws and regulation In Indonesia govern consumer legal protection in business transactions. Protection Law No. 8/1999 on Consumer Protection is one of the laws that regulates legal protection for consumers in business transactions. This law provides consumer rights, such as the right to receive detailed and correct data regarding the products or services obtained, the right to choose the products or services desired, and the right to seek compensatory damages if the products or services given do not meet the expectations (Rusmawati, 2013).

In addition, Government Regulation No. 74/2012 on Consumer Protection in Electronic Commerce also provides legal protection for consumers in business transactions that are conducted online. This regulation sets out several conditions that must be complied with by parties who conduct business transactions online, such as conditions regarding consumer rights, transaction procedures, and dispute resolution procedures (Rongiyati, 2019).

Although regulations and law have regulated legal guarantees for consumers in business transactions, there are still some problems that must be overcome, such as weak law enforcement and lack of consumer awareness of their rights. Lack of law enforcement can trigger violations of consumer rights and harm the consumer. Moreover, the lack of consumer awareness about their rights may make it simpler for sellers to commit fraud or offer faulty goods or services.

In the context of globalization, business transactions through digital media are becoming more common. This complicates and demands more work to safeguard consumers in commercial dealings. Adequate legal protection for consumers in online business transactions is very important because of the many risks that are associated with online business transactions, such as the security of personal data, the authenticity of the products or services provided, and the inconvenience in the process of shipping or returning the item (Solim *et al.*, 2019).

Therefore, research on legal protection for consumers in business transactions, especially in electronic commerce, is very important. This research can provide an overview of how legal protection for consumers in business transactions is implemented, whether it is effective or still has many shortcomings, and what should be done to improve legal protection for consumers.

This research aims to analyze legal protection for consumers in business transactions, particularly in electronic commerce. This research will include an analysis of the laws

and regulations governing legal protection for consumers in business transactions, as well as an analysis of law enforcement and consumer awareness of their rights. In addition, the research will also involve collecting data on cases of consumer rights violations in business transactions, particularly in electronic commerce, and how such cases are handled by the authorized institutions.

II. LITERATURE REVIEW

The theoretical study that will be described in this research is about legal protection for consumers in business transactions, especially in electronic commerce. This theoretical study covers several aspects, namely laws and regulations governing legal protection for consumers in business transactions, law enforcement against violations of consumer rights, and consumer awareness of their rights in business transactions.

1. Laws and Regulations Governing Legal Protection for Consumers in Business Transaction

Many laws and regulations govern consumer legal protection in commercial transactions, both at the national and international levels. In Indonesia, the law governing consumer protection is Law Number 8 of 1999 on Consumer Protection, which was later amended by Law Number 47 of 2008 on Consumer Protection. In addition, regulations governing consumer protection are included in Government Regulation No. 8/2008 on General Guidelines for Consumer Protection and Minister of Trade Regulation No. 19/2014 on Consumer Protection in Electronic Commerce (Anggraini *et al.*, 2020).

At the international level, legal protection for consumers in business transactions is governed by several contracts and agreements, such as the United Nations Convention on International Contracts for the Sale of Goods (CISG) and the United Nations Guidelines for Consumer Protection.

The United Nations Convention on Contracts for the International Sale of Goods (CISG) is a convention established by the United Nations in 1980. The CISG addresses international trade law regarding the sale of goods and aims to facilitate and encourage fair, transparent, and orderly international trade between member states (Hardjowahono, 2020).

The CISG covers a number of matters, including the definition of international sales, responsibilities of sellers and buyers, obligations of sellers in the delivery of goods, dispute resolution, and applicable legal arrangements. The CISG also regulates the contract and payment between the seller and buyer, delivery and the

possibility of harm or loss to products, and other provisions related to the international sale of goods (Qasthari *et al.*, 2019).

Meanwhile, the United Nations Guidelines for Consumer Protection are a collection of guidelines created by the United Nations to safeguard consumers worldwide. The aim of the guidelines is to enhance consumer protection, motivating better consumer protection policies, and provide guidance to countries to create or update consumer protection laws (Alaqoh *et al.*, 2020).

The Guidelines cover several aspects, including consumer rights, producer and trader responsibilities, product information and marking, protection of consumers' personal data, fair advertising practices, and consumer dispute resolution. The Guidelines call on countries to adopt laws that regulate fair and transparent business practices and provide adequate protection to consumers.

Thus, the CISG and the United Nations Guidelines for Consumer Protection are international agreements and a collection of principles that aim to promote fair international trade and provide adequate protection to consumers around the world.

2. Law Enforcement Against Violation of Consumer Rights

Consumer protection laws and regulations will be ineffective unless severe law enforcement against abuses of consumer rights is implemented. In Indonesia, law enforcement against violations of consumer rights is carried out by several institutions, such as the Consumer Dispute Settlement Organization (BPSK) and the Consumer Court (Wahyulina, 2018).

The Consumer Dispute Resolution Organization (BPSK) and the Consumer Court are two institutions that focus on resolving disputes involving consumers and producers. Both aim to protect consumer rights and provide easier and more affordable access for consumers to resolve disputes they face with producers or service providers (Samosir, 2018).

BPSK is an out-of-court dispute resolution body established by the government to resolve consumer disputes peacefully and regularly. BPSK can be found in every city and district in Indonesia and consists of several members appointed by the government and the community. BPSK offers an alternative way to resolve consumer disputes that is faster, easier, and more affordable than filing a lawsuit in court. BPSK decisions are final and binding for both parties (Helmi, 2015).

Meanwhile, the Consumer Court is a court that specializes in disputes involving consumers and producers or service providers. The Consumer Court was established by the government with the aim of providing easier access for

consumers to resolve disputes with producers or service providers in a fair and transparent manner. The Consumer Court has limited jurisdiction and only handles cases related to consumer rights, such as cases of purchasing goods or services that are defective or not in accordance with the promised specifications. The decision of the Consumer Court is final and binding for both parties.

The main difference between BPSK and the Consumer Court is that BPSK is an out-of-court dispute resolution body, while the Consumer Court is a court specialized in handling consumer disputes. In addition, the dispute resolution process at BPSK tends to be faster, easier, and more affordable than the process at the Consumer Court, which tends to be more formal and take more time. However, the decision of both is final and binding for both parties (Nikmatullah, 2017).

In addition, in electronic commerce, law enforcement can also be carried out by institutions that specifically handle this matter, such as the Ministry of Communication and Information through the Directorate General of Informatics Applications, as well as the Indonesian E-Commerce Association through dispute resolution mechanisms provided by e-commerce platforms.

3. Consumer Awareness of their Rights in Business Transaction

Consumer awareness of their rights in business transactions is very important to increase the effectiveness of legal protection for consumers. In this case, education and socialization to consumers regarding their rights in business transactions need to be carried out continuously (Cahyadi, 2014).

In addition, e-commerce platforms can also play a role in increasing consumer awareness of their rights by providing clear and accurate information about service policies, return provisions, and dispute resolution. E-commerce platforms can also take preventive measures by tightening identity verification and payment security to prevent fraud or actions that harm consumers (Lidya *et al.*, 2020)

In addition, e-commerce platforms can also play a role in increasing consumer awareness of their rights by providing clear and accurate information about service policies, return provisions, and dispute resolution. E-commerce platforms can also take preventive measures by tightening identity verification and payment security to prevent fraud or actions that harm consumers.

Consumer awareness of their rights in business transactions is very important to protect consumers from harmful actions and increase the effectiveness of legal protection for consumers. Unfortunately, achieving consumer awareness is not always straightforward owing to a variety of problems such as a lack of understanding of consumer rights, lack of clear and accurate information about the

product or service purchased, and lack of socialization and education about consumer rights (Wibowo *et al.*, 2022).

Therefore, the role of e-commerce platforms in raising consumer awareness about their rights is very important. E-commerce platforms can provide clear and accurate information about service policies, terms of return, and dispute resolution. With this information, consumers can have a better understanding of their rights and how to resolve disputes if problems occur.

In addition, preventive measures can also be taken by e-commerce platforms to prevent fraud or actions that harm consumers. E-commerce platforms can tighten identity verification and payment security to minimize fraud. In this case, the role of pro-consumer e-commerce platform policies is very important to increase consumer confidence in the platform.

Social media can also be a means to increase consumer awareness about their rights in business transactions. Consumers can share experiences and information about consumer rights violations they have experienced, so that it can be a lesson for other consumers and also become input for e-commerce platforms to improve service quality and legal protection for consumers (Maharani *et al.*, 2021).

In addition, there is a need for continuous education and socialization on consumer rights. The government, LSMs, and consumer associations can play an important role in raising consumer awareness about their rights in business transactions. Education and socialization programs can be carried out massively through mass media, seminars, training events, and direct socialization to the public. By increasing consumer awareness of their rights, it is hoped that a healthier and fairer business environment will be created for all parties.

4. Sanctions and Penalties for Violators of Consumer Rights

Sanctions and penalties for violators of consumer rights are also part of legal protection for consumers in business transactions. In Indonesia, sanctions for violators of consumer rights can be in the form of penalties to termination of business licenses. In addition, consumers can also claim compensation through legal channels if they suffer a loss due to violations of consumer rights (Herlina, 2019).

However, there are still obstacles in providing sanctions and penalties for violators of consumer rights, especially in electronic commerce which tends to be difficult to track and identify the violators. Therefore, greater collaboration between the authorities, the judiciary, and e-commerce platforms is necessary to strengthen law enforcement and sanctions for violators of consumer right.

Legal protection for consumers in business transactions is becoming more complex with the increasing number of e-commerce platforms and online trading taking place in Indonesia. This results in a higher risk of violations of consumer rights, such as fraud, goods that do not match the description, late delivery, and so on. Therefore, law enforcement and sanctions for violators of consumer rights are very important in ensuring consumer protection (Khotimah et al., 2016).

The Government of Indonesia has established Law No. 8 of 1999 on Consumer Protection which contains consumer rights and obligations as well as sanctions for violators of consumer rights. However, there are still many violations of consumer rights that occur in Indonesia, especially in electronic commerce, which are difficult to trace and identify the perpetrators. Therefore, enhanced collaboration between the government, law enforcement agencies, and e-commerce platforms is necessary to strengthen law enforcement and sanctions for perpetrators of consumer rights violations (Undang-Undang No.8 Tahun 1999 Tentang Perlindungan Konsumen Lembaran Negara RI).

Not only the government and law enforcement agencies, e-commerce platforms also have an important role in improving the effectiveness of legal protection for consumers. E-commerce platforms need to provide clear and accurate information about service policies, terms of return, and dispute resolution to consumers. In addition, e-commerce platforms can also take preventive action by tightening identity verification and payment security to prevent fraud or actions that harm consumers.

In addition, the role of social media is also very important in increasing consumer awareness about their rights in business transactions. Consumers can share experiences and information about violations of consumer rights that they have experienced, so that it can be a lesson for other consumers and also become input for e-commerce platforms to improve service quality and legal protection for consumers.

In order to increase the effectiveness of law enforcement and sanctions for violators of consumer rights, the government needs to strengthen policies and law enforcement agencies that play a role in monitoring and prosecuting violations of consumer rights. In addition, cooperation between e-commerce platforms and law enforcement agencies also needs to be improved to increase the effectiveness of law enforcement and sanctions for violators of consumer rights. All parties need to work together to create a healthy business environment and maintain consumer confidence in online transactions.

5. The Government's Role in Improving Legal Protection for Consumers in Business Transactions

The government plays an important role in improving legal protection for consumers in business transactions, both through the establishment of clear and sustainable regulations and policies, as well as through strict law enforcement against perpetrators of consumer rights violations (Lukito, 2017).

In addition, the government can also educate and socialize the public about legal protection for consumers, so that the public is more aware and proactive in monitoring and reporting violations of consumer rights. The government can also strengthen cooperation with e-commerce platforms and civil society organizations in improving legal protection for consumers in business transactions (Bernada, 2017).

The government must provide legal protection for consumers in commercial dealings. The government may increase consumer legal protection in a variety of ways, including:

a. Establishment of clear and sustainable regulations and policies

The government can make clear and sustainable regulations and policies in order to protect consumers. These regulations and policies must pay attention to the consumer's interests and be capable of providing optimal protection for them. In addition, the regulations and policies must also be able to balance the interests of consumers and businesses.

b. Strict law enforcement against perpetrators of consumer rights violations

The government must also strictly enforce the law against violators of consumer rights. The sanctions and penalties given must be in accordance with the violations committed. This will provide a deterrent effect for perpetrators of consumer rights violations and prevent violations of consumer rights in the future.

c. Education and socialization to the society regarding legal protection for consumer

The government must also educate and socialize the society about legal protection for consumers. This aims to make the public more aware and proactive in monitoring and reporting violations of consumer rights. Thus, the government can more easily handle violations of consumer rights and protect consumers from losses.

d. Strengthening cooperation with e-commerce platforms and civil society

organizations

The government can also strengthen cooperation with e-commerce platforms and civil society organizations in improving legal protection for consumers in business transactions. E-commerce platforms can support in providing clear and accurate information on service policies, return provisions, and dispute resolution. Meanwhile, civil society organizations can provide continuous reports and advocacy related to legal protection for consumers.

By taking these actions, it is anticipated that legal protection for consumers in business transactions can be realized properly. The government must remain consistent in carrying out its role as a consumer protector to improve the welfare of society as a whole.

III. METHODOLOGY

The descriptive-analytical approach is used as a research method in this scientific study. The descriptive-analytical approach is a research method that is used to describe phenomena or events that occur, which are then examined to discover correlations between variables.

In this study, the researcher describes the phenomenon of legal protection for consumers in business transactions and analyzes the link between the government's involvement in increasing legal protection for consumers in business transactions. In the analysis, the researcher also looks at the extent to which the government has carried out its roles in improving legal protection for consumers.

The data used in this research is secondary data, data gathered from a variety of sources, including books, journals, and other sources related to the study subject. Secondary data is used because this data is already available and can be used to analyze phenomena or events that occur.

In collecting data, researchers seek data from sources that are considered credible and relevant to the research topic. Then, the data obtained is analyzed using a descriptive-analytical approach. In the analysis, researchers look for relationships between variables related to the role of the government in improving legal protection for consumers in business transactions.

IV. DISCUSSION

The results show that there are several laws and regulations governing legal protection for consumers in business transactions in Indonesia. These laws and regulations aim to protect consumer rights from harmful actions and ensure that consumers get sufficient legal protection in conducting business transactions.

Laws and regulations governing legal protection for consumers in business transactions in Indonesia include:

1. Law Number 8 Year 1999 on Consumer Protection

This law is the legal basis governing consumer protection in Indonesia. It contains provisions on the rights and obligations of consumers, the responsibilities of producers or business actors, sanctions for violations of consumer rights, and procedures for resolving consumer disputes.

2. Government Regulation No 57 Tahun 2014 on Consumer Dispute Resolution

This regulation regulates the procedure for extra-judicial settlement of consumer disputes through an authorized consumer dispute resolution body. This legislation also governs the parties' rights and responsibilities in the resolution of consumer complaints

3. Minister of Trade Regulation No 13/M-DAG/PER/3/2012 on Guidelines for Customer Protection in E-Commerce

This regulation provides guidelines for consumer protection in online business transactions or e-commerce. This regulation contains provisions regarding consumer rights and obligations, obligations of business actors in providing information to consumers, as well as procedures for resolving consumer disputes in e-commerce transactions.

4. Bank Indonesia Regulation No 18/40/PBI/2016 on Consumer Protection in the Financial Services Sector

The law covers consumer protection in financial services transactions involving banks, insurers, and other non-bank financial companies. This regulation contains provisions regarding consumer rights and obligations, obligations of business actors in providing information to consumers, as well as procedures for resolving consumer disputes in the financial services sector.

The results of research and discussion on law enforcement against violations of consumer rights:

1. Consumer Protection Law

Consumer Protection Law is the legislation that regulates the rights and protection of consumers from harmful actions. Law No. 8 of 1999 concerning Consumer Protection becomes the legal basis that regulates the rights and obligations of consumers and producers or service providers.

2. Violation of Consumer Rights

Violations of consumer rights can occur in various forms, such as misleading information, defective goods or services, unfair prices, poor service, or non-

compliance by producers or service providers with consumer rights regulated by laws and regulations.

3. Law Enforcement against Violation of Consumer

Law enforcement against violations of consumer rights can be done through several steps, including:

- a. Reporting: consumers can report violations of their rights to the Consumer Dispute Settlement Body (BPSK) or the Consumer Court for out-of-court or in-court dispute resolution.
- b. Investigation: after receiving the report, BPSK or the Consumer Court will conduct an investigation into the reported violation to collect evidence and ascertain the truth of the violation.
- c. Decision: after conducting an investigation, BPSK or the Consumer Court will provide a decision that regulates the solution to the violation of consumer rights. This decision is binding and must be obeyed by both parties

4. Obstacles to Law Enforcement Against Violations of Consumer Rights

There are several obstacles in law enforcement against violations of consumer rights, including:

- a. Lack of consumer awareness of their rights which makes it difficult to report violations that occur.
- b. The high cost and lengthy time involved in resolving disputes in court which makes it difficult for consumers to enforce their rights.
- c. Limited resources and manpower owned by BPSK or the Consumer Court, thus hampering the dispute resolution process in a quick and effective manner.

From the research it was found that the government's involvement in increasing legal protection for consumers in commercial transactions is critical. The following are some of the government's roles in improving legal protection for consumers in business transactions:

1. Create and implement laws and regulations governing consumer protection.

The government is in charge of developing and implementing laws and regulations which govern consumers' rights and duties in commercial transactions. This is essential to protect consumers from harmful actions and ensure fairness in business transactions.

2. Give sanction to business actors who violate consumer rights.

The government is also responsible for sanctioning businesses that violate consumer rights. The sanctions given can be in the form of fines, revocation of business licenses, or demands for compensation to consumers who are harmed.

This aims to provide a deterrent effect to business actors so that they do not take actions that harm consumers.

3. Establish a monitoring and enforcement agency for violations of consumer rights.

The government is also responsible for establishing institutions tasked with monitoring and enforcing the law against violations of consumer rights, such as the Consumer Dispute Resolution Agency (BPSK) and the National Consumer Protection Commission (KNPK). With these institutions, consumers can report violations of their rights and obtain fair legal protection.

4. Evaluation and improvement of existing regulations.

The government continues to evaluate and improve existing regulations, in accordance with the times and the needs of society. This aims to improve the quality of consumer safety and provide legal certainty for consumers in business transactions.

5. Provide education and information to consumers.

The government is also responsible for providing education and information to consumers about their rights in business transactions, as well as how to avoid fraud and business practices that harm consumers. This aims to provide knowledge and awareness to consumers in protecting themselves and making the right decisions in transactions.

V. CONCLUSIONS

The laws and regulations governing legal protection for consumers in business transactions in Indonesia are quite complete and comprehensive. Yet, the government still needs to evaluate and improve the existing laws and regulations so that they can be more effective in protecting consumer rights and preventing harmful actions against consumers in business transactions.

Law enforcement against violations of consumer rights is very important to protect consumers from harmful actions. Consumer Protection Law is the legal basis that regulates the rights and obligations of consumers and producers or service providers. Violations of consumer rights can occur in various forms and law enforcement can be carried out against these violations through several steps, such as reporting, investigation, and decisions. However, there are several barriers in law enforcement against violations of consumer rights, such as the lack of consumer awareness of their rights and the high cost and time required to resolve disputes in court. Therefore, efforts are needed to increase consumers' awareness of their rights and to improve the

accessibility and effectiveness of dispute resolution through BPSK and the Consumer Court.

Based on the findings of the study, it is possible to infer that the government's involvement in providing legal protection for consumers in commercial transactions is critical. The government must create and implement laws and regulations governing consumer rights and obligations, impose sanctions on business actors who violate consumer rights, establish supervision and law enforcement institutions for violations of consumer rights, evaluate and improve existing regulations, and provide education and information to consumers. This aims to protect consumers from harmful actions and ensure fairness in business transactions.

From the analysis, the researcher can conclude that the government's involvement in providing legal protection for consumers in business transactions is critical. The government must create and implement laws and regulations governing consumer rights and obligations, penalize business actors who violate consumer rights, establish supervision and law enforcement institutions for violations of consumer rights, evaluate and improve existing regulations, and provide education and information to consumers.

In order to improve legal protection for consumers in business transactions, the role of the government is very important. Therefore, the government must continue to make efforts to strengthen its role and function in protecting consumers from harmful actions and ensuring fairness in business transactions.

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