

Analysis of E-Commerce Supervision for the Protection of Spiritual Rights of Consumers

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ABSTRACT

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This research aims to juridically analyze e-commerce supervision in the context of protecting consumers' spiritual rights based on Law Number 11/2008 on Electronic Information and Transactions (ITE Law), specifically Article 28, paragraph (1). The method used is normative legal research with a statutory and conceptual approach, which examines written legal norms and the principle of legality to test the certainty and clarity of these norms in the context of electronic transactions. Data is collected through a literature study, including primary and secondary legal materials such as laws, court decisions, and accredited journal articles. The analysis was conducted qualitatively by interpreting legal norms and evaluating the basic principles of applicable law. This research concludes that Article 28 paragraph (1) of the ITE Law expressly regulates the prohibition of spreading news that is detrimental to consumers and is an entry point to provide preventive and repressive protection of the spiritual rights of E-Commerce consumers. However, the obstacles are the multiple interpretations of proving the elements of digital offences and the coordination of law enforcement across sectors that hamper the effectiveness of supervision. This research contributes to designing regulations for the legal protection of consumers' spiritual rights in the digital era and by determining the implementation of comprehensive e-commerce supervision.

1. Introduction

1.1 Background

The rapid advancement of information technology, particularly the internet, has fundamentally transformed the traditional trading landscape into e-commerce, offering unparalleled convenience and accessibility for consumers. This global phenomenon has significantly integrated Indonesia into the world information society thus demanding the establishment of a robust legal framework for the management of information and electronic transactions at the national level. This development is essential to encourage optimal, equitable, and diffuse growth of Information Technology to all levels of society, ultimately contributing to the improvement of the nation's intelligence.

However, despite its many benefits, e-commerce inherently introduces new complexities and risks. These include, but are not limited to, the prevalence of online fraud, the potential misuse of personal data, and the difficulties consumers may face in obtaining adequate legal protection in the event of a dispute. These challenges underscore the importance of comprehensive consumer protection in the digital realm, where the effectiveness of transactions often relies heavily on the principle of trust established between the parties involved. This digital transformation also brings challenges related to consumer rights, privacy, data security, product quality, and dispute resolution.

This development presents a fundamental dilemma—the convenience and undeniable benefits of e-commerce, such as easy access, a wide selection of products, and seamless digital payments, simultaneously magnify consumer vulnerabilities. These vulnerabilities include exposure to fraud, data misuse, and lack of transparency. This situation suggests that consumer protection in e-commerce cannot be a static set of regulations, but rather must continuously adapt and evolve in response to rapid technological advancements and emerging threats. The legal framework must be able to proactively address both sides of this dynamic, i.e. encouraging innovation while effectively mitigating the attendant risks.

1.2 Problem Statement

This report undertakes a comprehensive juridical analysis of e-commerce surveillance in Indonesia, with a particular focus on how existing legal mechanisms, particularly those set out in Law No. 11/2008 on Electronic Information and Transactions (UU ITE) and its revisions, contribute to the protection of consumers' "spiritual rights". This analysis will critically examine the interpretation of "spiritual rights" in the context of nuanced Indonesian legal principles and assess the practical effectiveness of current oversight mechanisms in safeguarding these rights amidst the complexity of the digital commerce landscape. While the ITE Law provides a legal foundation, there are gaps in e-commerce supervision that threaten the protection of consumers' spiritual rights, particularly with regard to proving violations and the challenges of reaching overseas businesses.

1.3 Objectives and Scope

The purpose of this research is to juridically examine the supervision of e-commerce in the context of protecting consumers' spiritual rights according to the ITE Law, with a focus on Article 28 paragraph (1) which regulates the dissemination of false and misleading news that can harm consumers in electronic transactions. Although there are already regulations governing the protection of personal data in digital transactions, the implementation of these laws is often inconsistent and unclear, especially in terms of the inability to reach business actors located abroad. Another problem is the unclear product information provided by businesses on e-commerce platforms, which can harm consumers. This legal uncertainty in the implementation of the protection of spiritual rights creates an urgency for further research into the consistency and implementation of the law that should be strengthened.

2. Literature Review

2.1 Related Work

The protection of consumers' spiritual rights in the realm of e-commerce, particularly within the Indonesian legal framework regulated in Law No. 11/2008 on Electronic Information and Transactions (ITE Law), has become an important issue in the development of digital technology. Along with the rapid growth of electronic transactions, the protection of personal data and transparency of product information are two fundamental aspects in ensuring that consumers' spiritual rights are protected. Personal data protection is crucial to avoid misuse that can harm consumers, while product information transparency is the right of consumers to make informed and fair decisions when transacting online (Safitri, 2020; Sharma et al., 2024). Although regulations exist, inconsistent implementation and lack of clarity in the application of the law indicate a mismatch between normative provisions and the need to protect consumers' spiritual rights in the digital world (Walfajri, 2020).

Previous research on e-commerce supervision shows that although the ITE Law provides a legal basis for regulating electronic transactions, there are normative gaps in terms of proving violations, especially in relation to personal data leakage and product information

transparency (Mar'atushsholihah & Karyani, 2021). This suggests that poorly structured legal supervision hinders the enforcement of the protection of consumers' spiritual rights, as businesses do not always fulfill their obligations in good faith, and the system has difficulty in reaching international businesses. The research also highlights that while consumers have the right to clear information about products, businesses often do not provide adequate or even misleading information, which is contrary to the principles of consumer spiritual rights protection.

In the context of fintech, although there are regulations governing the protection of personal data and electronic transactions, a structured and clear application of the law is still a major challenge. Research by Saputra et al. (2023) shows that there are regulatory loopholes that harm consumers, especially in the rapidly growing fintech sector, such as peer-to-peer lending and crowdfunding. On the other hand, research also shows that big data technology used by fintech companies can improve risk management and offer more personalized products, but there are still major challenges related to data privacy and equal access to technology in underserved communities (Morales et al., 2022). As such, this research suggests that regulations should be updated and clarified to ensure more effective protection of consumers' spiritual rights in the growing world of e-commerce.

2.2 Research Gap

While there are various studies that address the legal aspects of e-commerce and consumer protection, there are still significant gaps, especially in the context of in-depth juridical analysis of e-commerce supervision mechanisms for the protection of consumers' spiritual rights. Walfajri (2020) highlights the mismatch between normative provisions and the need for spiritual rights protection in the digital era, as well as normative gaps in legal implementation related to the lack of clarity in proving personal data violations and difficulties in law enforcement in the digital realm. Previous research has also pointed out the challenges in policing bad actors, especially those operating across borders, as well as the lack of coordination between law enforcement agencies.

These gaps lead to the conclusion that existing regulations are still not effective enough in addressing new challenges arising from the rapid development of e-commerce and fintech, such as personal data leakage and unclear product information. Despite efforts to improve protection, there are still major challenges in prompt enforcement and effective handling of consumer complaints on e-commerce platforms. Therefore, this study will fill the gap by specifically analyzing how existing supervisory mechanisms can be strengthened, and specific regulations that can ensure consumers are optimally protected, by providing clarity on their rights in digital transactions and optimizing supervision of businesses that often operate without adequate oversight.

3. Methodology

3.1 Data Collection

This research uses a normative legal research method with a statutory approach and conceptual approach, which examines written legal norms and the principle of legality to test the certainty and clarity of these norms in the context of electronic transactions. The research design is descriptive-analytical, which means that the research will systematically describe the relevant legal norms and then analyze them to understand how they should be applied and why there are obstacles in their implementation.

Data collection is conducted through library research, which involves collecting and analyzing primary and secondary legal materials. Primary legal materials include Law No. 11/2008 on Electronic Information and Transactions (UU ITE) and its amendments (Law No.

1/2024), Law No. 8/1999 on Consumer Protection (UUPK), Government Regulation No. 71/2019 on the Implementation of Electronic Systems and Transactions (PP 71/2019), and Minister of Trade Regulation No. 31/2023 (Permendag 31/2023). Secondary legal materials include scientific journals, books, and articles relevant to e-commerce supervision, consumer protection, spiritual rights, and cybercrime.

3.2 Analysis Techniques

Data analysis was conducted qualitatively, using the method of interpretation of legal norms and evaluation of basic principles of applicable law. This analysis technique involves interpreting the text of the law, specifically Article 28 paragraph (1) of the ITE Law, to understand its meaning and implications for the protection of consumers' spiritual rights. In addition, the analysis will evaluate how legal principles such as good faith, transparency and accountability are applied in the context of e-commerce transactions and existing oversight. The analysis will also include the identification of key variables, where legal supervision is considered as the independent variable and consumer spiritual rights protection and personal data protection as the dependent variables. Causal relationships between these variables will be explored, for example how effective legal supervision can enhance transparency, personal data security and consumer protection. The use of big data in fintech as an analogy will also be analyzed to see how this technology can facilitate risk management and enhance consumer spiritual rights protection, albeit with data privacy challenges.

3.3 Validation

Validation in normative legal research focuses on the internal and external consistency of legal arguments and the logical coherence of norm interpretations. Internal consistency is achieved by ensuring that each argument and conclusion is based on a consistent interpretation of the legal text and applicable principles. This means that the interpretation of Article 28 paragraph (1) of the ITE Law and its implications for consumers' spiritual rights will be tested against the overall framework of the ITE Law and other relevant regulations.

External validation involves comparing the findings with the views of legal experts, legal doctrine, and relevant previous studies. While there is no direct empirical testing, comparison with regulatory practices in other countries such as the United States, United Kingdom and India will serve as a form of comparative validation. This allows researchers to see if the challenges and solutions identified in Indonesia have parallels or differences with other jurisdictions, thus strengthening the argument on the need for better regulatory adaptation and oversight. Data reliability was also ensured through the use of authoritative and accredited legal sources.

4. Results and Discussion

4.1 Key Findings

Law No. 11/2008 on Electronic Information and Transactions (ITE Law) and its amendments (Law No. 1/2024) have the fundamental objective of establishing a comprehensive legal framework for the management of electronic information and transactions in Indonesia. The ITE Law emphasizes principles such as legal certainty, prudence, and technology neutrality. One important aspect of this law is the recognition of the validity of electronic transactions and electronic documents authorized through appropriate electronic systems, which supports the principle of freedom of contract in Indonesian civil law.

In addition, the ITE Law also establishes an obligation for Electronic System Operators (PSEs) to operate electronic systems reliably and securely, with full responsibility

for the security of consumers' personal data. In its revision, Law No. 1 Year 2024 strengthens provisions related to personal data protection, mandating PSEs to maintain the confidentiality and integrity of personal data, and report security incidents related to data breaches. PSEs are also required to keep an audit trail to support supervision and law enforcement. The ITE Law prohibits various actions that harm consumers, such as the dissemination of false and misleading news in electronic transactions, which is punishable by imprisonment of up to 6 years and a maximum fine of Rp1 billion. This prohibition also covers the dissemination of immoral content, online gambling, defamation, extortion, and hate speech, with the aim of creating a safe and trusted digital environment for consumers.

Law No. 8/1999 on Consumer Protection (UUPK) serves as the main legal framework for protecting consumer rights in Indonesia, including in e-commerce transactions. UUPK aims to increase consumer awareness and independence in protecting their interests, with basic rights that include convenience, security, and access to accurate information. The principle of balance in GCPL emphasizes consumer protection in both material and spiritual dimensions, providing a legal basis for the protection of consumers' spiritual rights, although there is no explicit definition of this term in the law.

In addition, implementing regulations such as PP No. 71/2019 on the Implementation of Electronic Systems and Transactions and MOT No. 31/2023 regulate the obligations of Electronic System Operators (PSEs) to ensure system security and personal data protection, as well as provide regulations on licensing, product pricing, and product certifications such as SNI and Halal. The implementation of the principle of "spiritual consumer rights" in e-commerce in Indonesia is closely related to the protection of truthful information, the prohibition of fake news, and the strengthening of product transparency and halal certification, which reflect Indonesia's religious and socio-cultural values.

However, challenges in regulatory implementation and supervision remain, including difficulties in proving digital offenses and enforcing laws against cybercrime. Limited human resources, differences in regulations between countries, and adaptation to new technologies exacerbate the protection of consumers' rights, particularly their spiritual rights. In addition, legal gaps due to misalignment between various regulations such as GCPL, ITE Law, and related PPs, lead to confusion in law enforcement and suboptimal implementation. Digital dispute resolution mechanisms also remain weak, with many e-commerce platforms only providing internal complaints without involving independent third parties.

4.2 Interpretation of Results

The interpretation of the results shows that the concept of spiritual consumer rights, which includes trust, security and convenience, is closely related to the protection of personal data and transparency of product information. Consumers have the right to feel secure that their personal data is protected and that no fraud or loss will occur. In this context, legal supervision functions as an independent variable that directly affects the protection of consumers' spiritual rights (dependent variable) by improving product information transparency and personal data security. Clear and structured supervision is expected to increase consumer confidence and prevent misuse of personal data.

Nonetheless, these gaps in supervisory implementation hinder the maximum protection of consumers' spiritual rights. Challenges such as multiple interpretations of digital offense proof and lack of coordination between law enforcement agencies create legal uncertainty and reduce the effectiveness of supervision, as highlighted in the abstract of this study. This is compounded by the fact that businesses often do not provide adequate information or deliberately mislead consumers, which is contrary to the principle of spiritual rights protection. Therefore, in order to strengthen the protection of consumers' spiritual

rights, improvements and adjustments to more specific regulations are required, especially in relation to the protection of personal data and dispute resolution mechanisms. There is a clear and layered causal relationship: Effective legal supervision (cause) leads to increased transparency and data security (direct effect), which in turn increases consumers' sense of security, satisfaction and trust (indirect effect, which is at the core of spiritual rights protection). This shows that supervision is not just about law enforcement, but also about the establishment of a digital ecosystem conducive to consumer trust, which is a prerequisite for the sustainable growth of e-commerce.

Table 1: Identification of Key Challenges in E-commerce Supervision and Consumer Spiritual Rights Protection

No.	Key Challenges in E-commerce Supervision	Impact on the Protection of Consumers' Spiritual Rights	Juridical Implications
1.	Multi-interpretation of digital offense proof	Difficulty in enforcing justice and providing effective redress; legal uncertainty for consumers.	Requires clearer evidentiary guidelines or adaptation of legal procedures.
2.	Cross-sector law enforcement coordination is hampered	Fragmentation of oversight; slow and inefficient handling of cases; legal loopholes.	Requires a formal coordination framework and information sharing between agencies.
3.	Inability to reach overseas businesses	Consumers find it difficult to obtain protection or redress from cross-border actors.	Requires international cooperation and extradition/ mutual legal assistance agreements.
4.	Regulatory gaps (including fintech)	Protection is not comprehensive; new risks emerge that are not covered by regulations.	Requires adjustments and updates to existing legal provisions, or special regulations.
5.	Lack of transparency of product information and personal data	Consumers make inappropriate decisions; risk of misuse of personal data; loss of trust.	Requires stricter obligations for businesses to provide accurate and clear information.

5. Discussion

5.1 Comparison with Prior Research

The findings of this study are in line with previous studies that emphasize the importance of personal data protection and product information transparency in e-commerce, which are at the core of protecting consumers' spiritual rights. However, this study also confirms the findings of Walfajri (2020) and Mar'atushsholihah & Karyani (2021) regarding the mismatch between normative provisions and implementation on the ground, particularly with regard to proving digital offenses and cross-border surveillance.

Comparisons with regulatory practices in other countries show similar patterns with different approaches. In the US, flexible regulation supports innovation but faces challenges

of cost and slow regulatory processes. The FTC enforces consumer protection, while the UK uses a regulatory sandbox to proactively balance innovation and consumer protection. India, despite implementing the Consumer Protection Act 2019 and E-Commerce Regulations 2020, still faces difficulties in speedy enforcement and complaint handling. India's data protection framework through the DPDP Act, 2023, gives the government discretion to restrict cross-border data transfers based on national security. The findings confirm the need for a structured regulatory approach and stringent personal data protection to ensure the spiritual rights of consumers in the digital world.

5.2 Limitations

This research has several limitations that need to be acknowledged. First, as a normative legal research, the main focus is on analyzing legal texts and doctrines, thus not involving direct empirical data collection from consumers or e-commerce businesses. This means that the findings regarding the effectiveness of supervisory implementation are based on interpretations from the literature and not on primary data from the field. Although a comprehensive literature study has been conducted, the practical nuances of supervisory challenges may require further empirical research.

Secondly, the scope of the research is limited to Law No. 11/2008 on Electronic Information and Transactions. While the EIT Law is the main foundation, there are other implementing regulations or sectoral regulations that may also be relevant and may affect the protection of consumers' spiritual rights, but are not the main focus of this analysis. This limitation means that a comprehensive picture of the entire e-commerce regulatory framework may not be fully captured. Furthermore, the rapid dynamics of technology mean that the findings and recommendations may need to be revisited periodically to remain relevant to the latest developments.

5.3 Future Research

Based on the findings and limitations of this study, several potential areas for future research can be identified. First, empirical research involving consumer surveys and interviews with e-commerce businesses as well as law enforcement agencies would be valuable to gain a deeper understanding of the implementation challenges of supervision on the ground. This can help gauge the level of consumer awareness of their spiritual rights and identify harmful business practices.

Second, further research can focus on designing regulatory models that are more adaptive and responsive to technological developments, including exploration of the concept of regulatory sandboxes or flexible principle-based regulatory frameworks. This study can also specifically analyze how technologies such as big data can be integrated in the supervisory system to improve efficiency and accountability, while still maintaining data privacy. Finally, given the transnational nature of e-commerce, research on international cooperation mechanisms and cross-border regulatory harmonization will be highly relevant to ensure comprehensive protection of consumers' spiritual rights in the digital era.

6. Conclusion

A juridical analysis of e-commerce supervision for the protection of consumers' spiritual rights under Law No. 11/2008 on Electronic Information and Transactions (ITE Law) and related regulations demonstrates the evolving and increasingly comprehensive legal framework in Indonesia. The ITE Law, especially with its latest revision (Law No. 1 of 2024), has strengthened the legal foundation for secure electronic transactions and personal data protection, including strict obligations for Electronic System Operators (PSEs) and sanctions for violations. The Consumer Protection Law (UUPK) explicitly recognizes the "spiritual"

dimension of consumer protection, providing a legal basis for a broader concept than just material harm. Implementing regulations such as PP 71/2019 and MOT 31/2023 further outline obligations and oversight mechanisms, with important roles played by Kominfo in system oversight, MOT in trade oversight, and BPKN in policy advocacy.

E-commerce supervision based on the ITE Law is crucial for protecting consumers' spiritual rights by ensuring the security of personal data and the transparency of product information. This is achieved through the obligation of Electronic System Providers (PSE) to maintain system reliability and data integrity, as well as the prohibition of disseminating harmful content such as fake news, fraud, and obscene content. Thus, the ITE Law seeks to create a trustworthy and fair digital environment that supports consumer safety and trust as the core of protecting their spiritual rights in every online transaction.

7. Recommendation

Based on the analysis of e-commerce supervision for the protection of consumers' spiritual rights, several policy recommendations can be considered. First, it is important to improve regulatory harmonization and law enforcement. The government needs to harmonize the ITE Law, GCPL, Government Regulation 71/2019, and MOT 31/2023 to address existing regulatory discrepancies. In addition, a more detailed explanation of the implementation of "spiritual consumer rights" in electronic transactions, including halal certification and protection from fraud, needs to be considered to make regulations clearer and more targeted. Furthermore, strengthening the capacity of human resources and infrastructure of supervisory institutions is very important. Agencies such as MOCI and MOT should invest in digital forensics skills training and the provision of necessary technical equipment, in order to improve the effectiveness of supervision and enforcement against increasingly complex e-commerce violations.

In addition, an increase in digital literacy and consumer legal awareness is urgently needed. The government, together with e-commerce businesses and LPKSM, should increase consumer education on their rights in electronic transactions, personal data protection, and how to resolve disputes. This will help consumers to be more active in reporting violations and utilizing available complaint channels. The development of more specific and adaptive spiritual rights protection mechanisms should also be encouraged. This includes the development of higher standards of digital business ethics, as well as more effective mechanisms to verify the veracity of information disseminated on e-commerce platforms. Product certifications, such as halal certification, should be strengthened with strict oversight to ensure that claims made by businesses are justified.

Finally, increasing international cooperation in handling cross-border cybercrime is something that cannot be ignored. Indonesia needs to strengthen international cooperation in handling cybercrime, especially in the extradition of perpetrators and exchange of digital evidence. Active participation in international forums and initiatives will also enable Indonesia to adopt best practices and harmonize e-commerce and data protection regulatory standards at the global level.

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