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The Civil Law Perspective on Legal Consequences of Safeguarding Consumer Personal Data in Indonesian E- Commerce Activities

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ABSTRACT

The rapid evolution of digital technologies in the early decades of the 2000s has significantly transformed commerce, with e-commerce emerging as a dominant platform for transactions in Indonesia. This digital shift, while enhancing efficiency and accessibility, has raised critical legal and ethical concerns surrounding the safeguarding of consumers' personal information. In response, the Indonesian state has enacted several normative instruments, such as Law No. 11 of 2008 concerning Electronic Information and Transactions, Government Regulation No. 80 of 2019, Ministerial Regulation No. 20 of 2016, Government Regulation No. 71 of 2019, and Law No. 27 of 2022 concerning the Protection of Personal Data. This research aims to analyze the legal structure that regulates the safeguarding of personal data within Indonesian e-commerce, employing a normative juridical approach, which analyzes statutory provisions and legal theories without relying on empirical data. The study finds that while Indonesia has made notable progress in establishing regulations, challenges persist in enforcement, supervision, and public awareness. Weak implementation and limited legal remedies leave consumers susceptible to unauthorized access and exploitation of personal information. Therefore, there is a need for a harmonized, implementable, and accountable legal regime to guarantee comprehensive protection of personal data within the context of the digital economy. Strengthening institutional capacity, improving legal certainty, and ensuring accessible mechanisms for dispute resolution are essential steps toward building consumer trust and promoting accountability among digital platform providers. This study concludes that a robust legal system is critical for securing consumer rights and advancing ethical practices in Indonesia's rapidly expanding e-commerce sector.

Keywords: *E-commerce, Information Technology Development, Personal Data*

INTRODUCTION

Pursuant to Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the Indonesian state is established as a constitutional state governed by the rule of law. Law has become an important means of regulating human behavior and limiting human actions as legal subject actors in social life.¹ Law serves a vital function in fostering justice and legal certainty, while also aiming to produce beneficial outcomes for society as a whole.

The accelerated advancement of information and communication technologies (ICT) and electronic transaction systems in the telecommunications and information fields in the early twenty-first century has made the information technology industry a highly popular industrial sector.²

The influence of internet media is vast, particularly in the realm of trade activities.³ One of the key developments is the rise of electronic commerce, also known as e-commerce, which denotes commercial exchanges enabled by the dynamic and continuous evolution of internet technologies. Amid the present wave of globalization—characterized by rapidity and convenience—maintaining up-to-date awareness of technological progress becomes imperative with the latest internet developments to remain competitive in the trade market.⁴

In addition, this accelerated technical progress has undoubtedly contributed to and transformed the fundamentals of human activities across various sectors of society. The existence of information technology or the internet has created many new types of jobs and professions in the human workforce, and influenced the types and opportunities of new businesses that are very large to the world economy, especially in community activities in conducting trading businesses, which were initially based in the real or conventional world which are generally carried out in certain places, including markets, malls, minimarkets, and other shopping centers, where buyers and merchants engage in transactional negotiations.⁵ Then it shifted to be developed into electronic media through digitally facilitated interactions that simulate real-world engagement using immersive virtual platforms.

¹ Ervina Dwi Indriati, Sary Ana, and Nunung Nugroho, “Philosophy Of Law And The Development Of Law As A Normative Legal Science,” *International Journal of Educational Research & Social Sciences* 3, no. 1 (February 20, 2022): 425–432, <https://ijersc.org/index.php/go/article/view/293>.

² Muhamad Saleh et al., “Building Digital Citizenship Literacy Skills Through 21 St Century Skill-Based Civics Learning with Information Media and Technology Skills,” 2022, <https://www.atlantispress.com/article/125969054>.

³ Canh Phuc Nguyen et al., “Mobile and Internet Usage, Institutions and the Trade Balance: Evidence from African Countries,” *International Journal of Finance & Economics* 29, no. 2 (April 19, 2024): 2230–2264, <https://onlinelibrary.wiley.com/doi/10.1002/ijfe.2782>.

⁴ Woraphon Yamaka et al., “Spatial Spillover Effects of Internet Development on Foreign Trade in China,” *Sustainability* 15, no. 5 (February 26, 2023): 4213, <https://www.mdpi.com/2071-1050/15/5/4213>.

⁵ Inese Mavlutova et al., “Digital Transformation as a Driver of the Financial Sector Sustainable Development: An Impact on Financial Inclusion and Operational Efficiency,” *Sustainability* 15, no. 1 (December 23, 2022): 207, <https://www.mdpi.com/2071-1050/15/1/207>.

E-commerce encompasses the commercial exchange of products and services, characterized as encompassing “direct transactions conducted through websites and transaction sites such as Tokopedia, Shopee, Bukalapak, Lazada, JD.id, and others.”⁶ E-commerce, or online commerce, is a commercial activity that utilizes computer networks to interact with consumers, manufacturers, service providers, and intermediary traders.⁷ Electronic transactions can be classified as buying and selling activities conducted through a computer or mobile phone, based on this understanding.

The term and concept of electronic transactions frequently termed as the implementation of digital technological systems in transaction execution, receives formal acknowledgment within Indonesia's statutory legal framework.

Government Regulation Number 80 of 2019 concerning Electronic Commerce, Law Number 1 of 2024 regarding the Second Amendment to Law Number 11 of 2008, Law Number 8 of 1999 concerning Consumer Protection, and Law Number 11 of 2008 concerning Electronic Information and Transactions.

Within the contemporary era of global interconnectedness, internet is facilitated by at least two factors, namely the increasing demand for technological products and the ease of conducting trade transactions.⁸ The internet eliminates the need for consumers and service providers to meet in person. Potential buyers can also find specific items more easily using e-commerce by using a search box, rather than spending hours at the mall looking for the item they want.⁹ Furthermore, potential buyers looking for a particular item will be presented with a wide range of options from other retailers, enabling them to tailor their purchase to their specific needs, delivery location, and financial capabilities. In other words, there is no documentation involved, unlike conventional buying and selling. With various conveniences available, it is no surprise that e-commerce has evolved into a phenomenon closely tied to the daily activities of those who are adept at using digital platforms.¹⁰

Unquestionably, the evolution of technology and science, the driving force for the productivity and progress of producers, can lead to various legal consequences. Therefore, the importance of legal protection in maintaining

⁶ Kholida Qothrunnada, “Jejak E-Commerce Di Indonesia Waktu Ke Waktu, Berawal Dari Kaskus,” *Detik Finance*, last modified May 23, 2022, accessed July 24, 2025, <https://finance.detik.com/berita-ekonomi-bisnis/d-6091087/jejak-e-commerce-di-indonesia-waktu-ke-waktu-berawal-dari-kaskus>.

⁷ Niniek Suparni, *Cyberspace : Problematika Dan Antisipasi Pengaturannya*, 1st ed. (Jakarta: Sinar Grafika, 2009), accessed July 24, 2025, <https://inislite.uin-suska.ac.id/opac/detail-opac?id=13306>.

⁸ Agus Raharjo, *Cybercrime: Pemahaman Dan Upaya Pencegahan Kejahatan Berteknologi* (Bandung: PT Citra Aditya Bakti, 2002).

⁹ Vidyarini Dwita et al., “Indonesian Millennials’ Online Shopping Intention During the New Normal Covid 19,” 2024, 496–502, https://www.atlantispress.com/doi/10.2991/978-94-6463-234-7_50.

¹⁰ Marcello Pieterston Tulong et al., “The Influence of E-Commerce Technology Implementation on Business Development in the Digital Era,” *Jurnal Syntax Admiration* 5, no. 11 (November 26, 2024): 5092–5098, <https://jurnalsyntaxadmiration.com/index.php/jurnal/article/view/1772>.

consumer trust is significant, as it provides reassurance and confidence in the face of technological advancements.

Customers are frequently the target of business strategies designed to maximize trading profits. However, these strategies, such as implementing unfair policies or fixed agreements, can place significant burdens on consumers and buyers, often leaving them at a significant disadvantage.¹¹ It is time for a change, for fair and ethical business practices that prioritize consumers' interests.

The preservation of consumer rights and obligations has been compromised with the advent of new methods of conducting e-commerce transactions. Some of the issues that may arise during electronic transactions include:

- a. undelivered goods ordered;
- b. prolonged delays in delivery;
- c. late refund of down payment or full payment;
- d. The purchased product does not meet the customer's requirements or design;
- e. Purchase (for example, payment for goods that have been ordered has been sent, but the service provider claims that they have not received money from the consumer, despite providing proof of payment; the problem remains unresolved);
- f. The seller does not have a physical address in the country, which makes it difficult to return products that are not as ordered;
- g. customers have difficulty in obtaining redress;
- h. Regarding consumers' Personal Data, etc.

In this research, the author highlights the relevance of consumer safeguarding concerning users' personal information, which could face threats from the improper handling of such data by electronic commerce participants. Despite its complexity, benefits, and convenience, a crucial issue arises from the potential misuse of consumers' data resulting from breaches.

Indonesia's Personal Data Protection Law represents the unified legislative initiative encompassing Law No. 11 of 2008 concerning Electronic Information and Transactions, Law No. 19 of 2016 regarding Amendments to the Information and Transactions Law, Government Regulation of the Republic of Indonesia No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, and Law No. 27 of 2022 concerning Personal Data Protection.

Technological advancements have profound implications for various sectors, including e-commerce, as well as the buying and selling process.¹² The legal sector

¹¹ Monika Angeloska-Dichovska and Marjan Angeleski, "Customer Relationship Management (CRM) – How to Build Strong Online Relationship with the Customers," *HORIZONS.A* 27 (December 10, 2020), <https://uklo.edu.mk/wp-content/uploads/2021/11/4.-1.pdf>.

¹² Brilian Putra Amiruddin and Denisse Rochmad Romdhony, "A Study on Application of Automation Technology in Logistics and Its Effect on E-Commerce," April 23, 2020, <https://engrxiv.org/index.php/engrxiv/preprint/view/942>.

remains susceptible to these consequences, as it confronts the advent of novel legal challenges, especially those concerning the safeguarding of consumer information. The impact of technology on the legal sector is urgent and cannot be ignored. Consumer protection proves especially suitable for the advancement and implementation of technological solutions within society in the context of law and technology discussions. However, in this regard, the Government plays a pivotal role in striving for clearer protection of personal data, fostering trust in its regulatory initiatives. The establishment of specific legislation concerning personal data safeguarding indicates this commitment. Law No. 27 of 2022 exemplifies the significance of this matter.

The various problems mentioned above indicate that electronic commerce has two different aspects: on the one hand, it provides prospects and multiple benefits, yet conversely, it may also generate adverse consequences through possible detriments encountered by consumers.

Therefore, the background of this problem raises questions about the acquisition, preservation, and enjoyment of consumer rights, as well as the guarantee of protection. Generally, these rights are inherent in every consumer.

From the above problems that have been described, the general objectives to be achieved are:

1. General Purpose

This research constitutes a critical and relevant examination of electronic commerce dealings, with particular emphasis on the juridical safeguarding of consumer information. It aims to shed light on the rights of consumers that are frequently infringed upon by business actors in e-commerce transactions. Moreover, it seeks to identify effective problem-solving methods for the losses that parties may experience in e-commerce transactions in Indonesia.

2. Specific Objectives

The specific purpose of this research is to fulfill the academic requirements by creating and completing a scientific writing. This writing, in the form of a journal article, will be rigorously defended in front of the Board of Examiners as a condition for obtaining a Bachelor of Laws (S.H) degree from Bhayangkara University Surabaya.

LITERATURE REVIEW

Legal Definition

The approach of the written law school is based on John Austin's work, particularly his paper "Province of jurisprudence." Austin is a pioneer of the Analytical Positive Law School, which posits that law is an order from the ruler of an independent state. This concept, known as 'positive law', is a general rule of conduct laid down by a 'political superior', a person or entity with the authority to

make and enforce laws, to a 'political inferior', a person or entity subject to those laws. Austin's conception of law centers on the component of directive authority. He perceives law as a coherent, rational, and complete framework, constituting a directive that mandates compliance from persons or collective entities. According to him, laws and other orders come from superiors and bind or oblige subordinates. The superior determines what is permitted and has the power to force others to obey.

Austin distinguishes law into two types, namely laws from God for humans and laws created by humans. Furthermore, laws created by humans are further divided into:

1. Positive law, which is the law made by the sovereign and the law that individuals make to exercise the rights granted to them. Real law has four elements: command, sanction, obligation, and sovereignty.
2. Non-actual law refers to law that is not created by the authorities, and therefore does not meet the requirements of law; for example, the rules of a sports organization. Therefore, his teaching is known as “analytical jurisprudence” or analytical positivist law.¹³

The teachings, concepts, and thoughts of John Austin were supported by Hans Kelsen, who stated that the only law that exists is written law. Hans Kelsen's thinking covers three main concerns, namely legal theory, the state, and international law. These three issues are interconnected and develop coherently. The development of formal legal reasoning underscores the evolution and progress in legal philosophy. Formal logic has been extensively developed and emerged as a hallmark of Neo-Kantian philosophy, which later developed into the structuralism.¹⁴

Legal Protection

The Legal Protection Theory, as referenced by Satjipto Rahardjo, originates from natural law doctrine, as stated by Fitzgerald. The founding figures of this philosophical approach included Plato, Aristotle, Plato's disciple, and Zeno, who established the Stoic philosophical tradition. Based on the natural law doctrine, legal principles are not merely perpetual and universal, but possess sacred origins as well. This belief makes it impossible to distinguish between law and morality.

Fitzgerald elucidates Salmond's Legal Protection doctrine, which establishes that legal frameworks are designed to unify and harmonize diverse societal interests. In the traffic of interests, the protection of specific interests can only be achieved by limiting the interests of others.

¹³ Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum*, Jakarta: Rajawali Pers (Jakarta: CV Rajawali Pers, 1987).

¹⁴ Zoran Jelić, “A NOTE ON ADOLF MERKL’S THEORY OF ADMINISTRATIVE LAW,” *FACTA UNIVERSITATIS Series: Law and Politics* 1, no. 2 (1997): 147–155.

Satjipto Rahardjo contends that Legal Protection represents an endeavor to safeguard personal interests through empowering Human Rights with the capacity to operate within the sphere of individual concerns.¹⁵

Setiono characterizes legal safeguarding as a measure or initiative to shield citizens from capricious conduct by officials that fails to comply with legal principles, thus establishing stability and peace, and enabling individuals to maintain their human dignity.

Legal protection is an activity that aims to protect individuals by balancing the relationship between values or rules that manifest in attitudes and actions, thus preserving harmony within the communal existence among individuals, as stated by Muchsin.

Power is always associated with authority, as said by Philipus Hadjon.¹⁶ Two categories of authority exist: economic authority and state authority. The matter of Legal Authority Protection for citizens (the governed) vis-à-vis the Government (the governing body) concerning governmental authority. In the context of economic power, the protection of weak parties against strong parties is a matter of legal protection, such as the protection of workers against employers. Hadjon categorizes two types of legal guarantees for the community according to the method, namely preventive and repressive protection, which ensure a balanced distribution of power.

Preventive Safeguards are characterized as offering chances for citizens to express their viewpoints prior to governmental decision-making, representing an essential measure in dispute prevention. Additionally, Repressive Protection serves the function of dispute resolution. Legal Protection is the guarantee provided by the State to all parties to enable them to exercise their legal rights and interests in their capacity as subjects of law.

Kansil clarified that Legal Protection encompasses a spectrum of juridical actions that law enforcement authorities are required to execute to guarantee psychological and physical security from disruptions and diverse dangers presented by any entity.

Personal Data Protection

Personal Data Protection's conceptualization is certainly intimately connected to the characterization of 'data' as a concept and the category of safeguarding that may be offered to the relevant persons.

In the context of personal data, each country currently uses different terminology for the terms “personal information” and “personal data.” The two terms are often used interchangeably, as they have almost the same meaning.¹⁷

¹⁵ Satjipto Rahardjo, *Ilmu Hukum*, 8th ed. (Bandung: PT Citra Aditya Bakti, 2014).

¹⁶ Philipus M Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia*, 1st ed. (Surabaya: Bina Ilmu, 1987), accessed July 18, 2025, <https://balaiyanpus.jogjaprovo.go.id/opac/detail-opac?id=12369>.

¹⁷ Dr. Shinta Dewi, *Cyberlaw Perlindungan Privasi Atas Informasi Pribadi Dalam E-Commerce Menurut Hukum Internasional* (Universitas Padjadjaran, Widya Padjadjaran, 2009).

The terminology 'personally identifiable information' (PII) is frequently employed in the United States, Canada, and Australia, while 'personal data' terminology is more widespread in European countries and Indonesia. Therefore, for this research, the author uses the term “personal data.”

During the 1970s, the terminology Data Protection was initially employed in Germany and Sweden for governing the safeguarding of personal information via legal frameworks.¹⁸

This protection was implemented because, at the time, computers were used to store population data for census purposes. However, in reality, the government and private parties committed many violations. To prevent the misuse of Personal Data, all of us need to understand and uphold the regulations regarding its use so that irresponsible entities will not misuse such information.

Within the framework of the worldwide economy, Personal Data Protection has emerged as an essential instrument for cross-border commerce. This represents a joint initiative encompassing all global economic partnership entities, such as the Organization for Economic Cooperation and Development (OECD), the Asia-Pacific Economic Cooperation (APEC), and the Economic Community of West African States (ECOWAS).¹⁹

The notion of Data Protection is frequently regarded as an element of maintaining privacy rights. Data protection, as an entitlement, represents the guarantee that persons, collectives, or organizations possess the authority to determine the timing, manner, and extent of personal information disclosure to third parties. This right, as defined by Alan Westin, forms the basis for the explicit relationship between data protection and privacy.

Westin's conceptualization was subsequently developed by additional juridical scholars, such as Arthur Miller, who characterized Data Privacy as individuals' capacity to control the distribution of personal information.²⁰ This is due to technological advances that enable the rapid and cost-effective collection, processing, and manipulation of personal information.

Therefore, Westin argues that the right to privacy is not absolute, as there are social obligations that are just as important as privacy.²¹

E-Commerce

Electronic commerce, or e-commerce broadly defined, constitutes a category of transactions involving business operations. E-commerce enables connections between vendors or service suppliers and purchasers, encompassing corporate

¹⁸ Ibid.

¹⁹ Graham Greenleaf, “Sheherezade and the 101 Data Privacy Laws: Origins, Significance and Global Trajectories,” *Journal of Law, Information and Science* 23, no. 1 (September 10, 2013): 4–49, accessed July 24, 2025, <https://papers.ssrn.com/abstract=2280877>.

²⁰ Alan F Westin, *Privacy and Freedom* (Ig Publishing, 2015).

²¹ Ibid.

entities or private persons. The communication mechanism within e-commerce encompasses textual, audio, and visual elements.²²

Laudon, in 1998, characterized e-commerce as the procedure of purchasing and vending products digitally among purchasers and enterprises, utilizing computing equipment as facilitating intermediaries for commercial dealings.²³

Onno. W. Purbo interpreted David Baum's e-commerce definition from 1999, specifically stating that e-commerce represents an assemblage of technological tools, software applications, and adaptive commercial procedures that enable digital transactions and commerce in goods, services, and data among enterprises, customers, and particular business sectors.²⁴

E-commerce's effective operation is underpinned by the 4Cs, namely connection, creation, consumption, and control, as stated by Hoffman and Novak in 1996, not 2010. These principles are not just theoretical constructs, but practical tools that can inspire consumers, leading to a return on investment (ROI) for the Company. ROI is measured through active participation, such as consumer feedback or reviews, as well as sharing or recommending content to other users.²⁵

RESEARCH METHODOLOGY

Aligned with the research theme, the method employed is the use of normative juristic law. Doctrinal legal research, or theoretical law, is the guiding principle in this legal research.²⁶ This term is chosen because the primary focus of this research is a written study that scrutinizes the rules and regulations of positive legal laws. The research is designed to serve as a reliable guide for the author to achieve the desired research outcomes, ensuring accountability in terms of morality, integrity, and ethics in the study, thereby engaging the audience intellectually.

In relation to normative legal research, this study does not utilize data obtained from field observations; instead, it employs a unique methodology. The research approach involves a 'statute approach', a method that centers on examining the rule of law to form the basis of the study. This approach is complemented by the 'case approach', which involves studying a specific legal case, such as the

²² "CAPELLA – Engineering Consultant & Services," accessed July 24, 2025, <https://capella.co.id/>.

²³ Kenneth C. Laudon and Jane P Laudon, *Management Information Systems: Managing the Digital Firm* (Pearson, 2020), accessed July 30, 2025, https://books.google.com/books/about/Management_Information_Systems.html?hl=id&id=SZSpXAEACAAJ.

²⁴ Onno W Purbo, *Buku Pintar Internet Teknologi Warung Internet* (PT Elex Media Komputindo, 1999).

²⁵ Donna L. Hoffman and Marek Fodor, "Can You Measure the ROI of Your Social Media Marketing?," *MIT Sloan Management Review* (October 1, 2010), accessed July 24, 2025, <https://sloanreview.mit.edu/article/can-you-measure-the-roi-of-your-social-media-marketing/>.

²⁶ I Isman and Ahmad Zainul Muttaqin, "Innovative Legal Modeling for Interdisciplinary Studies on Law and Economic Behavior," *Indonesian Journal of Islamic Economic Law* 1, no. 1 (December 7, 2023): 60–71, <https://journals2.ums.ac.id/index.php/ijoe/article/view/3437>.

landmark case of *Brown v. Board of Education*, to describe the dimensions of legal norms and to use the results of the study as input in legal explanations.²⁷

RESULT AND DISCUSSION

Juridical Framework for Consumer Personal Information in Electronic Commerce Dealings within Indonesia

1. Juridical Framework for Client Personal Information in Indonesia

The objective of Personal Data Protection Regulations is to safeguard consumers against unlawful utilization of their information.²⁸ As mentioned in the context of the previous edition, Indonesia maintains diverse regulatory frameworks addressing Personal Data Protection. These encompass Law Number 19 of 2016 regarding Modifications to Law Number 11 of 2008 on Electronic Information and Transactions, subsequently amended through Law Number 1 of 2024 concerning the Second Modification to Law Number 11 of 2008 on Electronic Information and Transactions. Furthermore, there exists Government Regulation No. 80 of 2019 on Electronic Commerce, Minister of Communication and Information Technology Regulation No. 20/2016 concerning Personal Data Safeguarding, Government Regulation of the Republic of Indonesia No. 71/2019 regarding Electronic Systems and Transactions Implementation, and Law No. 27/2022 on Personal Data Protection which particularly addresses Personal Data Protection matters.

2. Government Regulation Number 80/2019 concerning Commerce via Electronic Platforms

Personal information safeguarding represents among numerous elements of digital commerce in Indonesia that falls under Government Regulation No. 80/2019 concerning Electronic Commerce. On November 25, 2019, this Government Regulation was implemented. Personal information protection within Indonesia's electronic commerce framework is administered through this regulatory instrument. This regulation aims to create a clear and equitable system that guarantees appropriate safeguarding of personal information against unlawful access

²⁷ Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2015).

²⁸ Fenny Bintarawati, "THE INFLUENCE OF THE PERSONAL DATA PROTECTION LAW (UU PDP) ON LAW ENFORCEMENT IN THE DIGITAL ERA," *ANAYASA : Journal of Legal Studies* 1, no. 2 (January 22, 2024): 135–143, <https://altinriset.com/journal/index.php/anayasa/article/view/92>.

and abuse, especially in digital transactions involving the gathering, retention, and erasure of personal information.²⁹

The stipulations concerning personal information within Government Regulation No. 80/2019 on Commerce via Electronic Platforms, particularly in Article 59, emphasize the responsibility of commercial entities to safeguard consumer personal information during electronic commerce activities. In accordance with Article 59 paragraph (1) of Government Regulation No. 80/2019, commercial entities are required to maintain personal information according to personal data protection standards or guidelines. These standards provide a clear framework for compliance, including at least complying with the protection rules outlined in Article 59 paragraph (2), letters A to H.

When personal data proprietors discontinue, cancel subscriptions, or cease utilizing commercial services and platforms via electronic systems, these data owners possess the entitlement to demand removal of all associated personal information, as specified in Article 59 paragraph (3) of Government Regulation No. 80/2019 and paragraph (4). Commercial entities must eliminate all personal information within their managed systems, as stated in Article 59 paragraph (3) of Government Regulation No. 80/2019 and paragraph (4). Commercial entities are required to remove all personal information within their administered systems upon request from the data owner as referenced in paragraph (3). The importance of personal data protection, the need for secure storage, the processing standards that must be adhered to, the right of data owners to control their data, and the obligation of business actors to delete data upon request by data owners are all emphasized by several key points in this regulation.

Among the essential tenets of information privacy stands the requirement to secure approval from the data owner prior to gathering and utilizing their information. Such information encompasses utilizing personal data exclusively for the intended purpose approved by the data proprietor, maintaining personal information securely while preserving its confidentiality, and removing personal data once the collection objective has been fulfilled or upon the data owner's request.

3. Minister of Communication and Information Technology Regulation Number 20/2016 concerning Personal Data Safeguarding

Beginning December 1, 2016, the Personal Data Safeguarding regulation, Minister of Communication and Information Technology Regulation Number 20/2016, took effect. This regulation encompasses

²⁹ Claire Segijn et al., "A Literature Review of Personalization Transparency and Control: Introducing the Transparency-Awareness-Control Framework," *Media and Communication* 9, no. 4 (November 18, 2021), <https://www.cogitatiopress.com/mediaandcommunication/article/view/4054>.

various aspects of personal data protection in electronic systems within Indonesia. It defines personal data as specific data that is stored, maintained, and kept confidential and accurate, ensuring the utmost security and protection. The execution of Personal Data Protection within Electronic Systems represents an extensive procedure encompassing aspects of obtaining, gathering, handling, examination, retention, presentation, publication, transfer, distribution, and elimination.

Overall, the purpose of this regulation is to ensure the proper protection of personal data by electronic system providers and to respect and protect the rights of personal data owners. All Electronic System Operators must establish internal policies that protect personal data. The purpose of this effort is to prevent irregularities in protecting the Personal Data that they manage. This precaution is by Article 5, paragraph (4) of PP. No. 20/2016, which relates to preventive measures.

4. Government Regulation of the Republic of Indonesia Law Number 71 of 2019 regarding the Execution of Electronic Systems and Transactions

On October 10, 2019, Government Regulation No. 71/2019 became effective, offering precise and thorough characterization of “Electronic Systems and Electronic Transactions” within Chapter I General Provisions Article 1 paragraph (1) and (2) of Law No. 71/2019. This regulatory framework, which pertains to an assemblage of electronic apparatus and protocols constituting regional, national, and international electronic systems, via functions including preparation, gathering, handling, examination, preservation, presentation, publication, transmission, and distribution. It also defines electronic transactions as legal activities conducted by computers, computer networks, and other electronic media, providing a clear framework for understanding and compliance.

Article 1, paragraph (8) of the Law. No. 71 of 2019 is a regulation that precisely defines the scope of all forms of data that can be processed, understood, and accessed by humans through electronic systems. It includes a wide range of Electronic Information, such as writing, sound, images, maps, designs, photos, EDI, electronic mail, telegrams, telexes, and other symbols that competent people can understand.

Should the Electronic System Operator be unable to preserve Personal Data within its jurisdiction, notification must be provided to the Personal Data proprietor through written communication. Legal frameworks regulate Personal Data technology management, with violations potentially leading to severe repercussions. According to Article 15 of Law No. 71 of 2019, all Electronic System Operators are required to remove inappropriate information and documentation deemed invalid by the relevant parties.

Article 24, paragraphs (1), (2), and (3) of Law No. 71 of 2019 concerning the obligations of Electronic System Providers stipulates the following:

- a. An Electronic System Operator must have and implement procedures and means to secure electronic systems, thereby avoiding disruptions, failures, and losses.
- b. The Electronic System Operator must provide a security system that includes procedures and systems for preventing and responding to threats and attacks that cause interference, failure, and loss.
- c. In the event of a system failure or disruption that has a serious impact as a result of actions from other parties to the electronic system, the Electronic System Operator must secure electronic information and electronic documents and immediately report at the first opportunity to law enforcement officials and the relevant Ministry or Institution by [specific reporting process].

5. Personal Data Protection Law No. 27 of 2022

October 17, 2022, marks the implementation of this comprehensive regulatory framework, frequently designated as the Law. This legislation encompasses guidelines, categories of personal information, entitlements of personal data owners, handling of personal information, responsibilities of personal data administrators and processors in managing personal information, transmission of personal information, regulatory penalties, organizations, global collaboration, citizen involvement, conflict resolution, and procedural legislation.

This regulation is not only about protecting personal data rights and ensuring data security, but also about fostering public trust in the use of information technology. By aligning with international standards, we aim to build a strong foundation of confidence and trust in the management of personal data.

Personal data, a highly valuable asset, is increasingly vulnerable to misuse due to rapid technological advancements. Indonesia, lacking a comprehensive regulation for personal data protection, was prompted to enact PDP Law No. 27 of 2022. The rising number of personal data abuses and leaks underscores the urgency of this regulation.

Based on Article 20 of the PDP Law Number 27 of 2022, Personal Data administrators are required to possess justification for handling Personal Data and grounds for processing Personal Data as specified in Article 20 paragraph (1) of the PDP Law Number 27 of 2022. This indicates that data administrators are forbidden from randomly handling personal information, but are required to possess valid and legal grounds for such actions according to Article 20 paragraph (1) letters a through f of PDP Law Number 27 of 2022.

Paragraph (1) through (4) of Article 22 of the PDP Law Number 27 of 2022 establish that approval must satisfy the requirements specified in Article 22 paragraph (1) of the PDP Law Number 27 of 2022 when the consent involves supplementary objectives:

- a. Can be clearly distinguished from other things;
- b. Developed in a comprehensible and readily available format; and
- c. Employing straightforward terminology.

This implies that consents that fail to meet the requirements of Article 22 paragraph (1) and paragraph (4) of the PDP Law No. 27 of 2022 are declared null and void. Any clause in the agreement that requests the processing of personal data, such as sharing personal data with third parties or using personal data for purposes not specified in the consent, without the explicit legal consent of the personal data subject, is void and invalid.

Consequently, this regulatory framework aims to establish a secure digital space for persons in the technological age, enhance consciousness and responsibility in information handling, and offer thorough safeguarding for personal information.

6. Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions

The most recent amendment of the ITE Law currently applicable in Indonesia is Law Number 1 of 2024, representing the Second Modification to Law Number 11 of 2008 concerning Electronic Information and Transactions. This legislation provides the juridical foundation for governing and overseeing digital transactions and information within Indonesia. This regulatory framework modifies numerous stipulations within Law Number 11 of 2008 concerning Electronic Information and Transactions, as revised by Law Number 19 of 2016, which subsequently modified Law Number 11 of 2008. The execution of different provisions within Law Number 11 of 2008, as altered by Law Number 19 of 2016, remains a source of dispute and discussion among governmental representatives, requiring legal clarity to establish juridical certainty and societal justice.

Nevertheless, Law No. 19/2016 remains an important component in the history of electronic information and transaction regulation in Indonesia. However, some provisions in the Law may no longer be relevant or require modification due to the ongoing development of information technology dynamics and challenges. Therefore, Law No. 1 of 2024 aims to refine and modernize the previous regulation, better aligning it with current times and providing enhanced protection to the public. The regulation was enacted and implemented on January 2, 2024.

Parties conducting electronic transactions as referred to in Article 17 paragraphs (1) and (2) of Law No. 1 of 2024 must act in good faith in conducting interactions and exchanging electronic information and electronic documents during the transaction.

Being in good faith here means that they or the parties must act honestly, refrain from committing fraudulent acts, and respect the rights of the other party during the interaction or exchange of electronic information and documents.

Overall, this regulation is a significant step towards creating a safe and trusted digital environment in Indonesia. It aims to strengthen protections, ensuring that electronic transactions are carried out in good faith, and plays a crucial role in adapting regulations to the latest technological developments, thereby increasing trust. The government's unwavering commitment to a robust legal framework is evident, ensuring that this regulation is not subject to multiple interpretations or ambiguity, and providing a secure foundation for its implementation.

Legal Settlement of Consumers in the Event of Misuse of Personal Data of E-Commerce Consumers

1. Unlawful Acts

The interaction between e-commerce and its users creates a contractual relationship from the moment the user registers and agrees to the “privacy policy” between the user and the service provider. This relationship is characterized by rights and obligations. E-commerce, as an electronic system organizer, plays a crucial role as a data collector of registered users and is subject to obligations and standards that must be met so that, in the future, no problems arise that can later be exploited by irresponsible individuals for a PMH.

Human existence in society is the reason for the emergence of law. Law regulates the exercise and defense of rights and obligations in social life. The legal basis, as stipulated in Article 1365 of the Indonesian Civil Code (KUHPerdata), mandates that every unlawful act causing damage to another person imposes a legal obligation on the person at fault to compensate for the damage. This article governs PMH that causes harm to other individuals. This article can be used if there is an unlawful act that causes harm related to personal data within the research theme of this thesis.

Although Article 1365 does not explicitly mention personal data protection, it can be applied in the context of privacy breaches and the protection of personal data. The role of technology in this context is

crucial, as it has led to an increasing relevance of Article 1365 in cases of personal data breaches.

2. Legal Settlement Against Consumers in Cases of E-Commerce Personal Data Misuse

In the increasingly advanced digital era, e-commerce has become one of the fastest-growing sectors, enabling consumers to conduct transactions efficiently and securely. However, this development also presents new challenges, particularly in terms of protecting consumers' data. Cases of Personal Data leakage due to negligence and misuse by negligent parties continue to increase, resulting in losses and concerns for consumers. This personal data, which includes but is not limited to financial information, contact details, and purchase history, is at risk. Therefore, at this point, the formulation of problem number 2 regarding the legal settlement of consumers who suffer losses due to negligence and misuse of personal data in e-commerce becomes a crucial issue that needs to be considered and handled effectively.

As one example in the case of fraudulent e-commerce transactions, cash on delivery (COD) package delivery fraud was written by a social media account named Nerokumaaa on Twitter, which has now changed its name to X, writing about the experience experienced by his mother. "According to him, the fraud took advantage of an e-commerce data leak some time ago. With that data, scammers then send unreasonable items at high prices or cheap items in large quantities. Fraudsters take advantage of the COD feature and maybe the habits of people who like to just pay every time a COD package comes to their address without checking what comes," wrote the account. "He claimed that his mother received a shipment of goods that he never ordered with e-commerce. One of the items she received was socks with a price of Rp 60,000. In his upload, he also included photos of the mysterious items his mother received and the Lazada logo. He also spoke with the courier who delivered the package. As a result, the courier also sent 13 similar packages that his mother received. The courier, who was also a victim in the 2nd case, found 13 more similar packages this morning. Realizing that it was a scam package, he took the initiative to invite cooperation to cancel the package," wrote the account. To avoid falling victim to such scams, always check the contents of the package before making a COD payment and be wary of unsolicited or unexpected packages.³⁰

³⁰ Ahmad Naufal Dzulfaroh and Rendika Ferri Kurniawan, "Viral, Cerita Korban Penipuan Paket COD Fiktif, Ini Tanggapan Lazada," *Kompas*, accessed July 24, 2025, <https://www.kompas.com/tren/read/2021/10/19/120000765/viral-cerita-korban-penipuan-paket-cod-fiktif-ini-tanggapan-lazada>.

According to the statement above, if a case of abuse occurs due to leaked Personal Data, users or buyers of e-commerce services can take legal action as follows:

- a. Report cases to the relevant agencies
- b. Initiating a civil claim
- c. Conducting negotiations
- d. Mediation.

CONCLUSION

The Indonesian administration has instituted diverse regulatory frameworks to safeguard Consumer Personal Information against abuse and data breaches as detailed in Chapter 2. These regulatory measures reflect the administration's dedication to safeguarding Consumer Personal Information within the technological era. While implementation and enforcement challenges are unavoidable, these protocols and directives are anticipated to defend consumer entitlements and foster the development of a protected digital economic system in Indonesia moving forward.

In this digital age, the use of e-commerce is skyrocketing and making transactions easier for users, but it also increases the risk of personal data misuse. Personal data loss can result in both material and intangible losses for consumers. However, there are legal measures such as reporting to the relevant authorities, filing civil lawsuits, negotiation, and mediation, as outlined in Chapter 3, that play a crucial role in protecting consumer rights. It is hoped that these steps will provide protection and redress for consumers, ensuring their rights are safeguarded against violations and/or unlawful acts committed by irresponsible parties.

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