

Improving Consumer Legal Protection in E-Commerce: Analysis of Shopee's Policies and Mechanisms in Combating Counterfeit Products

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Abstract:

Online marketplaces like Shopee offer unrivaled access to global products in the digital era. Online marketplaces have become the primary means of buying and selling, making it easy for consumers to obtain various products. However, this convenience also brings challenges, especially regarding legal protection for consumers. One of the problems that often arises is the sale of products that do not match the description. This study evaluates Shopee's policies and mechanisms in ensuring product authenticity and handling consumer complaints related to counterfeit goods. Using a qualitative approach with document analysis, this study explores Shopee's merchant agreements and consumer experiences. The research findings show that despite its strict policies, there are still gaps in the enforcement and complaint resolution mechanisms, which contribute to consumer distrust. There are still many cases of goods purchased by consumers that do not match the description, which is detrimental to consumers. Law Number 8 of 1999 concerning Consumer Legal Protection explicitly regulates consumer rights, such as obtaining open information from sellers. This gap requires an evaluation of the effectiveness of consumer protection policies against counterfeit product fraud cases. Recommendations provided include improving the verification process, proactive monitoring, and transparency in sanctions to strengthen

consumer legal protection. This research contributes to the importance of consumer legal protection in e-commerce, offering insights for policy improvement and empowering consumers to navigate online transactions safely.

Di era digital, pasar daring seperti Shopee menawarkan akses tak tertandingi terhadap produk global. Pasar daring telah menjadi sarana utama transaksi jual beli, memberikan kemudahan bagi konsumen untuk memperoleh berbagai produk. Namun, kemudahan ini juga membawa tantangan tersendiri, terutama terkait perlindungan hukum bagi konsumen. Salah satu permasalahan yang kerap muncul adalah penjualan produk yang tidak sesuai dengan deskripsi. Penelitian ini mengevaluasi kebijakan dan mekanisme Shopee dalam memastikan keaslian produk dan menangani pengaduan konsumen terkait barang palsu. Dengan menggunakan pendekatan kualitatif dengan analisis dokumen, penelitian ini mendalami perjanjian pedagang dan pengalaman konsumen Shopee. Temuan penelitian menunjukkan bahwa meskipun kebijakannya ketat, masih terdapat kesenjangan dalam mekanisme penegakan dan penyelesaian pengaduan, yang berkontribusi terhadap ketidakpercayaan konsumen. Masih banyak kasus barang yang dibeli konsumen tidak sesuai dengan deskripsi sehingga merugikan konsumen. Padahal dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Hukum Konsumen sudah diatur secara tegas hak-hak konsumen seperti mendapatkan keterbukaan informasi dari penjual. Kesenjangan ini mengakibatkan perlunya evaluasi terhadap efektivitas kebijakan perlindungan konsumen dari kasus penipuan produk palsu. Rekomendasi yang diberikan meliputi peningkatan proses verifikasi, pemantauan proaktif, dan transparansi dalam sanksi untuk memperkuat perlindungan hukum konsumen. Penelitian ini berkontribusi pada pentingnya perlindungan hukum konsumen dalam e-commerce, menawarkan wawasan untuk perbaikan kebijakan dan memberdayakan konsumen untuk menavigasi transaksi online dengan aman.

Key words: *Consumer legal protection; E-Commerce; Shopee.*

Introduction

In the current digital era, online marketplaces have become the main means of buying and selling transactions, providing easy access for consumers to obtain various products from various corners of the world.¹ Since the booming development of e-commerce and the Internet, the liability of Internet

¹ Albérico Rosário, and Ricardo Raimundo. "Consumer marketing strategy and E-commerce in the last decade: a literature review." *Journal of theoretical and applied electronic commerce research* 16, no. 7 (2021), p. 3003-3024.

intermediaries has become a topic of constant discussion internationally.² However, this convenience also brings its own challenges, especially regarding legal protection for consumers.³ One problem that often arises is the sale of products that do not match the description, especially fake branded products.⁴ Law Number 8 Year 1999 on Consumer Legal protection has regulated the rights of consumers. These rights include the Right to Comfort, the Right to Trust, and the Right to Security, which starts from the time the sale and purchase transaction is carried out until the time the goods sold reaches the consumer.⁵ The case of selling fake branded bags on Shopee faced by a consumer who had experience with this product is a clear example of this problem.⁶

In some cases, consumers get goods that do not match the authenticity stated in the sales description and often merchants do not respond to consumer complaints regarding this matter, even in some cases the seller's account disappears without clarity. This incident shows gaps in consumer legal protection on e-commerce platforms, where consumers choose not to continue the complaint process due to practical reasons and the assumption that the process is complicated.⁷

This case raises critical questions regarding the effectiveness of consumer legal protection policies in online marketplaces like Shopee, especially in regulating and enforcing honest and transparent sales standards. Through this journal, we will examine the regulations in the agreement between Shopee and its merchants, the legal responsibilities that must be carried out by sellers in ensuring product

² Marzieh Soleimani, "Buyers' trust and mistrust in e-commerce platforms: a synthesizing literature review." *Information Systems and e-Business Management* 20, no. 1 (2022), p. 57-78.

³ Jayaprada Putrevu, and Charilaos Mertzanis. "The adoption of digital payments in emerging economies: challenges and policy responses." *Digital Policy, Regulation and Governance* 26, no. 5 (2024), p. 476-500.

⁴ Benjiang Lu, and Zhenjiao Chen. "Live streaming commerce and consumers' purchase intention: An uncertainty reduction perspective." *Information & Management* 58, no. 7 (2021).

⁵ Nicholas Alveroz Hutagaol, Fritje Rumimpunu, and Firdja Baftim. "Perlindungan Hukum Bagi Konsumen Terhadap Perbedaan Label Harga Produk Dengan Bukti Transaksi Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999." *Lex Privatum* 11, no. 4 (2023).

⁶ Regina Audi Annaba, Susilowati Susilowati, and Agus Suwandono. "Tanggung Jawab Pelaku Usaha Atas Kerugian Konsumen Yang Disebabkan Oleh Deskripsi Barang Yang Tidak Sesuai Dengan Aslinya Dalam Jual Beli Online Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen." *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat* 3, no. 7 (2023), p. 2716-2726.

⁷ Gde Nanda Radithya Kresnantara Sanjaya, I. Nyoman Putu Budiarta, and Ni Made Puspasutari Ujianti. "Perlindungan Hukum terhadap Konsumen atas Barang Tiruan Pada Transaksi E-Commerce (Studi Kasus pada Toko Stridewear. Id Bali)." *Jurnal Interpretasi Hukum* 3, no. 2 (2022), p. 332-338.

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authenticity, and the mechanisms that should be in place to protect consumers from online fraud. The aim is to provide recommendations that can increase consumer trust in e-commerce platforms through more effective law enforcement and policies in protecting consumer rights.

So far, research that discusses consumer legal protection in e-commerce is still discussed in general. As research from Fista et al., which discusses consumer protection in e-commerce transactions reviewed from consumer protection laws.⁸ Agung et al., focused more on the legal protection of consumer personal data in e-commerce transactions.⁹ Likewise, Alkis and Kose discussed privacy concerns in consumer e-commerce activities and responses to social media advertising.¹⁰ Not only in Indonesia, studies related to consumer protection in electronic transactions have also been studied in several countries such as India,¹¹ Oman,¹² Vietnam,¹³ the European Union and the United States.¹⁴ However, so far studies related to consumer legal protection in e-commerce transactions that are specific to applications are still rarely carried out. So this study will fill this gap by directly examining the policies of online markets such as Shopee in providing legal protection for consumers. This is because each online shopping application has different policies and seeing the public's enthusiasm for using the Shopee application is greater, so studies related to consumer legal protection in the application are interesting to do.

Therefore, this article discusses the research objectives, namely related to Shopee's policy in agreements with merchants to ensure the accuracy of product

⁸ Yanci Libria Fista, Aris Machmud, and Suartini Suartini. "Perlindungan Hukum Konsumen Dalam Transaksi E-commerce Ditinjau dari Perspektif Undang-Undang Perlindungan Konsumen." *Binamulia Hukum* 12, no. 1 (2023), p. 177-189.

⁹ Sagdiyah Fitri Andani Tambunan Agung, and Muhammad Irwan Padli Nasution. "Perlindungan Hukum Terhadap Data Pribadi Konsumen Dalam Melakukan Transaksi Di E-Commerce." *Jurnal Ekonomi Manajemen Dan Bisnis (JEMB)* 2, no. 1 (2023), p. 5-7.

¹⁰ Aras Alkis, and Tekin Kose. "Privacy concerns in consumer E-commerce activities and response to social media advertising: Empirical evidence from Europe." *Computers in Human Behavior* 137 (2022).

¹¹ Neelam Chawla, and Basanta Kumar. "E-commerce and consumer protection in India: the emerging trend." *Journal of Business Ethics* 180, no. 2 (2022), p. 581-604.

¹² Rakesh Belwal, Rahima Al Shibli, and Shweta Belwal. "Consumer protection and electronic commerce in the Sultanate of Oman." *Journal of Information, Communication and Ethics in Society* 19, no. 1 (2021), p. 38-60.

¹³ Nguyen Trong Diep, and Dinh Tran Ngoc Huy. "Discussing Enforcement of the Consumer Protection Law in Vietnam." *Journal of Positive School Psychology* 6, no. 2 (2022), p. 2464-2473.

¹⁴ Zlatan Meskic, et al. "Transnational consumer protection in E-commerce: Lessons learned from the European Union and the United States." *International Journal of Service Science, Management, Engineering, and Technology (IJSSMET)* 13, no. 1 (2022), p. 1-15.

descriptions and the authenticity of the goods sold. Likewise, related to the mechanisms in place at Shopee to handle consumer complaints regarding counterfeit products and what challenges consumers face in this process. Furthermore, an analysis is carried out based on applicable laws and regulations in assessing the effectiveness of consumer protection policies on the Shopee online shopping application.

Method

This research is a type of empirical juridical research, or called field research, which examines the applicable legal provisions and what happens in reality in society. Through document analysis, researchers will be able to thoroughly understand the provisions stated in the agreement, including product authenticity, product descriptions, and the settlement mechanism carried out by Shopee. Meanwhile, by using interviews, researchers will be able to explore consumers' experiences and perceptions related to purchasing products on the platform. This allows researchers to understand more deeply the challenges consumers face in obtaining legal protection for purchasing products that do not match the description on Shopee, as well as to identify potential improvements in the consumer legal protection policies implemented by this e-commerce platform.¹⁵

Document analysis will be carried out on standard agreements between Shopee and its merchants. This document will be analyzed carefully to understand the provisions relating to product authenticity, product descriptions, dispute resolution mechanisms, and sanctions given to merchants who violate the terms of the agreement. Analysis of this document will provide an in-depth understanding of the framework implemented by Shopee in regulating the relationship between the platform and merchants. This agreement document is the main legal basis that regulates interactions between Shopee as an e-commerce platform and merchants who sell products on it. By examining in detail each term and condition in the agreement, we can understand how Shopee sets standards and enforces policies related to product sales, including the steps it takes to protect consumers from unethical or misleading sales practices. Analysis of this document will also provide an overview of the responsibilities and obligations that merchants must fulfill, as well as the sanctions they may face if they violate the terms of the agreement. Thus,

¹⁵ Jerry Shalmont, Grace Iskandar Darmawan, and Dora Dominica. "Peredaran Vitamin Tanpa Izin Edar Melalui Transaksi E-Commerce Tokopedia: Tanggung Jawab Siapa?." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 12, no. 2 (2023).

this first step will help in building a solid understanding of the legal and regulatory foundations that govern trading activities on Shopee, as well as provide a solid foundation for future research.¹⁶

Next, interviews will be conducted with several consumers who have experienced problems related to purchasing products that do not match the description on Shopee. This interview will be conducted in a structured manner, where consumers will be asked to share their experiences in purchasing the product, the communication process with the seller, and the efforts made to resolve the problem. This interview will provide a valuable perspective on the challenges faced by consumers in obtaining legal protection for purchasing products that do not match the description on e-commerce platforms. From this interview, it is hoped that various consumer experiences and perceptions will be revealed which can provide a deeper understanding of the dynamics of interactions between consumers, sellers and e-commerce platforms, as well as the obstacles faced in accessing and obtaining legal protection.

Data collected through document analysis and interviews will be the core of this research. Document analysis will explore the details of the agreements between Shopee and its merchants, highlighting provisions relating to product authenticity, product descriptions, and dispute resolution procedures. Meanwhile, interviews with consumers will provide an in-depth understanding of their experiences in interacting with this platform. The main themes that emerge from these two data sources will be the focus of the analysis, with the aim of identifying gaps between the perspective of Shopee as a platform and consumers' actual experiences. Cross-data analysis will then be conducted to explore similarities and differences between the platform's internal views and consumers' external experiences, helping to outline challenges faced by consumers as well as weaknesses in existing policies.¹⁷

The results of this analysis will form the basis for preparing recommendations aimed at increasing the effectiveness of consumer legal protection policies at Shopee. Improvements in agreements with merchants, improvements to dispute resolution mechanisms, and other steps will be proposed based on the findings. Thus, it is hoped that this research can make a significant contribution to the understanding of consumer legal protection in the context of e-commerce, as well as encourage the development of better and more effective policies to protect

¹⁶ Reggiannie Christy Natalia. "Urgensi Perlindungan Hukum Bagi Konsumen Toko Online di Media Sosial." *Law Review* 18, no. 3 (2019), p. 328-346.

¹⁷ Yeni Anita, *Pengaruh Harga, Kualitas Pelayanan Dan Kepercayaan Terhadap Kepuasan Konsumen Dalam Perspektif Ekonomi Islam (Studi Pada Bisnis Online Shop: Shopee, Tokopedia, Bukalapak, dan Lazada di Kota Pekanbaru)*. (Diss. Universitas Islam Negeri Sultan Syarif Kasim Riau), (2019).

consumer rights in the future, helping to build greater trust in e-commerce platforms such as Shopee.¹⁸

Discussion

Shopee Agreement with Merchant

The agreement between Shopee and its merchants is a critical aspect that determines operational policies and ethical standards in selling products on the platform. Information about products or goods traded by business actors through online transactions is needed before deciding to buy these products or goods.¹⁹ According to the standard agreement published by Shopee, every trader is required to comply with clear provisions regarding the authenticity of goods and the accuracy of descriptions of the products they sell. This is set to ensure that consumers receive accurate and transparent information about the goods they purchase, which is part of Shopee's efforts to increase consumer trust information and market integrity.²⁰

1. Merchant obligations, in the agreement, Shopee emphasizes that all merchants must guarantee that the products they offer are genuine and match the description provided on the platform. Shopee prohibits the sale of counterfeit or replica goods as part of its policies, and violations of this policy may result in sanctions including suspension or deletion of the merchant's account.
2. Complaint resolution mechanism, shopee provides a mechanism for consumers to submit complaints about products that do not meet standards or do not match the description. This platform has a rating and review system that consumers can use to provide feedback. Apart from that, there is also the option to make a formal claim through the process established by Shopee, which aims to resolve problems between buyers and sellers.
3. Monitoring and enforcement: shopee claims to have a proactive monitoring system in checking the authenticity of products and the veracity of merchants. They use verification and monitoring technology to detect the

¹⁸ Yarfa Dzardi, "Analisis Cyber Fraud Pada Platform Jual Beli Game Online: Studi Kasus Pada Platform Steam." *Doktrin: Jurnal Dunia Ilmu Hukum dan Politik* 2, no. 2 (2024), p. 57-76.

¹⁹ Muhammad Azham Ilham, and Andi Rahmi Ainun Kirana. "Examining Civil Law Remedies for Consumers Affected by Counterfeit Branded Goods in E-commerce Transactions." *Al-Bayyinah* 8, no. 1 (2024), p. 99-118

²⁰ Laila Syahrani, and Ika Juwita Lubis. "Analisis Pengaruh Transaksi Online Dalam Hukum Perlindungan Hukum Konsumen Diera Digital." *Jurnal Al Wadiah* 1, no. 2 (2023), p. 187-199.

sale of counterfeit goods. Apart from that, Shopee also works with various brands and copyright holders to combat the sale of counterfeit goods on its platform.²¹

Related literature often discusses the importance of strong and transparent regulations in e-commerce to protect consumer rights, like how on Article 4 Indonesian Consumer legal protection Act 1999. Shopee must offer a variety of genuine products and take measures to prevent the sale of counterfeit goods that could deceive consumers, as regulated on Article 9 Indonesian Information and Electronic Transactions Law 2008. Research in this area shows that consumer trust is an important factor influencing the success of e-commerce markets. Therefore, agreements between platforms like Shopee and their merchants must not only be clear and fair but also consistently enforced to ensure a safe and fair environment for all users.

Shopee's agreements clearly outline penalties for non-compliance, including suspension or deletion of merchant accounts. However, the application and visibility of these penalties often fall short of what is necessary to deter misconduct effectively.

1. Transparency issues: there is a notable lack of transparency in how penalties are applied. Merchants and consumers frequently do not see or understand the consequences faced by violators, which diminishes the perceived risk of non-compliance among merchants.
2. Timeliness of penalties: the response time in applying penalties after a violation has been identified is crucial. Delays in enforcement allow non-compliant merchants to continue their operations, potentially affecting more consumers and further harming trust in the platform.
3. Strategies for effective penalties: shopee could improve the situation by publicizing cases where penalties have been enforced, which would act as a deterrent to other merchants. Additionally, establishing a faster response system for penalizing non-compliance could help mitigate the impact on consumers.

Effectiveness and Limitations of Shopee's Complaint Mechanism

²¹ Rania Aisya Saudira, "Pertanggungjawaban Hukum Penyedia Platform Terhadap Barang Yang Melanggar Merek Dalam Perdagangan Online Marketplace (Studi Kasus: Penyelenggara Perdagangan Online Dan Isu Pemalsuan Produk)." *Innovative: Journal Of Social Science Research* 4, no. 2 (2024), p. 5195-5210.

Shopee provides a structured mechanism for handling consumer complaints, which includes a comprehensive system of reviews, ratings, and a formalized process for filing claims. This system is designed to facilitate communication between consumers and merchants to resolve issues related to non-compliant or counterfeit products. But Shopee's enforcement mechanism is largely reactive. The platform often acts only after counterfeit products are reported by consumers, rather than preventing such listings proactively. Despite these provisions, the actual effectiveness of the complaint mechanism is significantly challenged by several issues that detract from its intended consumer legal protection role.²²

The process for lodging complaints, while theoretically sound, can be practically cumbersome and intimidating for many consumers. Many consumers do not pursue complaints due to the complexity of the process and the time required to see a resolution. This is exacerbated by a lack of clear, step-by-step guidance on how to proceed with a complaint, leaving consumers unsure about their next steps and potential outcomes. Shopee being an intermediary party that finds sellers and buyers should be able to take responsibility for whatever happens in between. Moreover, consumers often feel discouraged when they perceive the resolution process as biased towards merchants or ineffective, particularly when complaints are resolved with little to no consequence for the merchants involved.²³ And this is not in compliance with Article 9 Indonesian Information And Electronic Transactions Law 2008, that seller must provide complete and correct information relating to the products offered and also violates the rights of consumers as stipulated in Article 4 of the Indonesian Consumer legal protection Act 1999.

The temporary or permanent disappearance of a merchant's account following a complaint poses a significant challenge. It indicates a potential loophole where merchants, upon facing complaints, might simply close their current accounts and potentially reopen new ones under different identities. This not only undermines the accountability mechanisms within the platform but also allows fraudulent practices to continue unchecked, harming more consumers in the process. The review and rating system, although useful, has its limitations. While it allows consumers to express their satisfaction or dissatisfaction with a product, it

²² Rico Rico, and Udi Rosadi. "Regulasi Dan Keadilan Sosial: Strategi Perlindungan Pengguna Media Sosial Dalam Konteks Kapitalisme Digital." *Innovative: Journal Of Social Science Research* 3, no. 5 (2023), p. 10354-10370.

²³ Henny Welsa, Putri Dwi Cahyani, and Muhammad Alfian. "Pengaruh online customer review, social media marketing dan kemudahan terhadap keputusan pembelian secara online melalui marketplace." *Jurnal Manajemen* 14, no. 2 (2022), p. 416-424.

does not necessarily prevent the sale of counterfeit goods. The system is also vulnerable to manipulation. Unscrupulous merchants might employ tactics to artificially inflate their ratings through fake reviews or by coercing consumers to leave positive feedback, thus misleading other potential buyers.²⁴

To enhance the complaint resolution mechanism, Shopee could consider several improvements. Streamlining the complaint process to make it more user-friendly and less time-consuming could encourage more consumers to come forward with their grievances. This could involve the creation of a more intuitive interface for filing complaints and tracking the status of ongoing cases. There should also be an emphasis on transparency throughout the complaint process, where both parties are kept informed of the progress and expected timelines. Shopee should implement stricter penalties for merchants who close their accounts after a complaint is filed. Measures could include better tracking of merchant activity across the platform to prevent them from re-open new accounts under different identities. Additionally, enhancing the verification process for new merchants could deter fraudulent sellers from gaining access to the marketplace in the first place.²⁵

Consumer Challenges in the Complaint Process

Technology in this era has developed very rapidly. Many applications have been created to facilitate human activities. One of them is the emergence of e-commerce that can facilitate anyone who wants to shop, but is lazy to leave the house. One of the e-commerce that is widely used by the public is the Shopee application. The more Shopee users there are, the more Shopee wants to provide all the convenience of facilities and attractive promos every month.²⁶ However, this still causes various problems, including criminal problems through fraud.²⁷ Consumer challenges in the complaint process are a pivotal issue that underscores the broader vulnerabilities within Shopee's platform. Through our interviews, there

²⁴ Samsul Djamiludin, and Fokky Fuad. "Pertanggungjawaban Hukum Marketplace di Indonesia terkait Pelanggaran Hak Cipta: Tantangan, Regulasi, dan Upaya Pencegahan dalam Era E-Commerce." *UNES Law Review* 6, no. 3 (2024), p. 7980-7982.

²⁵ Fadel Vabiano Jasira Vitenka, and Ni'ami Mutimatun. *Tanggung Jawab Market Place sebagai Platform Perdagangan Elektronik Terhadap Kerugian Pelanggan Akibat Maraknya Penjualan Barang Tidak Orisinal*. (Diss. Universitas Muhammadiyah Surakarta), (2023).

²⁶ Muspita Sari, Hardianti Yusuf, and Widia Astuti. "An Islamic Law Perspective on the Concept of Shoopaylater." *Al-Bayyinah* 6, no. 2 (2022), p. 166-174.

²⁷ Jarot Jati Bagus Suseno, Tutut Ferdiana Mahita Paksi, and Yusriando Yusriando. "Role of the Financial Service Authority of the Republic of Indonesia in Determining Financial Technology Crime as Bijondere Toestanden." *Al-Bayyinah* 8, no. 1 (2024), p. 76-98.

are still many cases that the goods purchased by consumers do not in fact match what is described or even the goods come not in accordance with the variations offered by the seller.

In addition, the length of response from the seller regarding the process of submitting an exchange of goods is also experienced by many consumers. Many consumers shared that after filing complaints, there was a lack of clear communication from Shopee regarding the status of their complaints, which often led to feelings of being ignored or marginalized. Because of this, some consumers feel reluctant or lazy to apply for an exchange of goods because the process is long and difficult.

This opacity not only diminishes consumer confidence in the platform's commitment to protecting them but also discourages them from pursuing future complaints. Shopee's reactive approach does not provide adequate legal protection for consumers from the risk of selling goods that do not match the description, this is also not in accordance with Article 19 of the 1999 Consumer Protection Law, and Article 28 paragraph (1) of the 2008 Electronic Information and Transactions Law.

Based on our comprehensive analysis, we propose that Shopee enhance its consumer legal protection mechanisms by implementing more stringent merchant verification processes and increasing transparency in the complaint handling process. Before allowing a user to interact with a new account, it is necessary to conduct security tests. The security measures in place cause the user to experience a delay while the software performs checks.²⁸

By utilizing advanced data analytics and artificial intelligence, Shopee could continuously monitor merchant activities to detect and address any suspicious behavior promptly, minimizing the risk to consumers. Increasing the transparency of the complaint resolution process by providing detailed feedback about the steps taken and the results could also build trust, reassuring consumers that their grievances are taken seriously.²⁹

Furthermore, Shopee should adopt a proactive enforcement strategy by conducting regular audits and random checks of product listings to preemptively mitigate the sale of counterfeit products. Additionally, educating consumers on

²⁸ Robert S. Gutzwiller, et al. "A novel visual interface enables human detection of malware in portable document format." *Journal of Cybersecurity* 10, no. 1 (2024).

²⁹ Muhammad Ilman Nafian. "Tinjauan Yuridis Terhadap Tindak Pidana Penipuan Terhadap Konsumen dalam Transaksi Elektronik:(Studi Kasus Putusan Nomor 80/Pid. Sus/2021/PN. Skg)." *Jurnal Syntax Imperatif: Jurnal Ilmu Sosial dan Pendidikan* 4, no. 6 (2024), p. 901-915.

their rights and the complaint process through comprehensive guides and materials will empower them to identify counterfeit products and understand the importance of reporting discrepancies, like how on Article 4 Indonesian Consumer legal protection Act 1999. These steps will not only enhance consumer legal protection but also strengthen Shopee's marketplace integrity and long-term success.³⁰

Provisions of the Indonesia Consumer legal protection Act

According to Mochtar Kusumaatmadja, as quoted by Yadi et al., consumer protection is the entirety of the principles or legal rules that regulate the relationship and problems between one party and another, which are also related to consumer goods or services in human interaction.³¹ In addition, A.Z. Nasution as quoted by Bintarawati and Rismana also argues that consumer protection law is part of consumer law that contains various principles and rules that regulate and protect consumer interests.³² Article 1 number 1 of Law Number 8 of 1999 concerning Consumer Protection also states that, "Consumer protection is all efforts that guarantee legal certainty to provide protection to consumers".

In Indonesia, the Consumer Protection Law plays an important role in protecting consumer rights and interests. The main provisions of this Law cover consumer rights. Regarding consumer rights themselves, they are contained in Article 4 of the 1999 Consumer Protection Law, namely that consumers have the right to comfort, security, and safety in consuming goods and/or services. This means that e-commerce platforms such as Shopee must ensure that products sold on their platforms meet safety standards and are free from defects that are detrimental. Consumers have the right to clear, accurate, and honest information about the terms and conditions of the goods and/or services they purchase. Therefore, Shopee must provide detailed and correct product descriptions and ensure that sellers comply with these standards. Consumers have the right to choose goods and/or services and obtain them according to the exchange rate and conditions promised. This means that Shopee must provide a variety of original

³⁰ Alfatah Wilatika, and Yani Osmawati. "Analisis Penjualan Oli Palsu Menggunakan Merek Oli Ternama pada Kendaraan Bermotor di Wilayah." *Anomie* 4, no. 2 (2022), p. 62-69.

³¹ Didik Kusuma Yadi, Muhammad Sood, and Dwi Martini. "Perlindungan Hukum Bagi Para Pihak Dalam Transaksi E-Commerce Menurut Tata Hukum Indonesia." *Commerce Law* 2, no. 1 (2022).

³² Fenny Bintarawati, and Daud Rismana. "Efektifitas Undang-Undang Perlindungan Konsumen Dalam Memberikan Perlindungan Hukum Bagi Pengguna E-Commerce Di Era Ekonomi Digital." *Risalah Hukum* 20, no. 2 (2024), p. 102-112.

products and take preventive measures against the sale of counterfeit goods that can deceive consumers.³³

Consumers have the right to submit complaints and feedback about the goods and/or services they purchase.³⁴ Shopee must have a robust mechanism to handle consumer complaints regarding counterfeit products and ensure that these issues are addressed quickly and effectively.³⁵ With legal certainty, consumer rights can certainly be implemented properly. Legal certainty to provide protection to consumers is in the form of protection of consumer rights which are further strengthened through various special laws and regulations, which are expected so that business actors do not act arbitrarily which will ultimately harm consumer rights.

Likewise, in Article 19 of the Indonesian Consumer Protection Law of 1999, consumers have the right to receive compensation, if consumers experience losses due to defective or counterfeit products, then consumers have the right to receive compensation. Shopee must implement a policy that allows for easy returns, refunds, or replacement of goods if the products sold are counterfeit products. This law strictly requires business actors to ensure the authenticity and legality of their products and services, by offering consumers the right to receive accurate and honest information about anything they buy. Shopee, as a leading e-commerce platform, has mechanisms in place to protect these consumer rights, such as a strict merchant verification process and a proactive approach to monitoring counterfeit listings. Despite these measures, incidents of counterfeit product sales continue, indicating potential shortcomings in Shopee's enforcement and oversight mechanisms.³⁶

Improving consumer legal protection in this context requires not only strict compliance with national legal standards set by the Consumer Protection Act, but also requires the development of internal policies that govern merchant activities and consumer interactions on the platform. To improve compliance with these

³³ Acep Rohendi, "Perlindungan Konsumen Dalam Transaksi E-Commerce Perspektif Hukum Nasional dan Internasional." *Jurnal Ecodemica: Jurnal Ekonomi Manajemen dan Bisnis* 3, no. 2 (2015), p. 474-488.

³⁴ Alex Oktavian, "Perlindungan Hukum Terhadap Konsumen Terkait Layanan Grab Food Berdasarkan Pasal 4 Ayat 3 Undang-Undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen." *Jurnal Kewarganegaraan* 7, no. 2 (2023), p. 1788-1799.

³⁵ Shinta Rachmaniyah, and Dipo Wahyoeno. "Perjanjian Baku Yang Memuat Klausula Eksonerasi Dalam Perspektif Hukum Perlindungan Konsumen." *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 2 (2022), p. 714-724.

³⁶ Ridwan Arifin, Juan Anthonio Kambuno, Waspiah Waspiah, Dian Latifian. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia". *Jambura Law Review* 3, (2021), p. 135-160.

legal requirements, Shopee may consider integrating more sophisticated technological solutions to verify product authenticity and increase the transparency of seller information, making it easier for consumers to make informed decisions when shopping online.³⁷

This discussion underscores the need for e-commerce platforms to continuously update and adapt their strategies to ensure robust consumer legal protection, in line with the legal expectations and rights set out under Indonesian law. By complying with these provisions, Shopee can enhance consumer confidence and provide a safer shopping environment. Strict enforcement of these rights helps build a transparent and reliable e-commerce ecosystem, which is critical to the sustainable growth of online markets. Strong consumer legal protection not only benefits consumers but also helps maintain the credibility and integrity of e-commerce platforms.

Shopee's framework for regulating merchant activities is primarily anchored in its merchant agreement, which is designed to ensure that all products sold on the platform are genuine and accurately described. The agreement explicitly prohibits the sale of counterfeit goods and mandates that all product descriptions must accurately reflect the actual items. This policy is essential for maintaining trust and integrity within the platform. While the causal requirement may be a necessary condition to a number of conceptions of justice, but it can also hinder apparently fair systems or distribution methods for handling accidents.³⁸ Despite these stringent policies, our research suggests several critical gaps in both the policy's design and its implementation.³⁹

1. Policy Design and Intent

The policy is meticulously designed to foster a transparent and reliable shopping environment by establishing clear and precise expectations for merchants. It mandates that all merchants guarantee the authenticity of every product they sell, ensuring that customers receive genuine goods. Additionally, it requires that the descriptions provided for these products are accurate and truthful, truly reflecting the actual characteristics of the items sold. This is to prevent any misleading information that could affect customer trust. Furthermore, the policy obligates

³⁷ Felix Pratama Tjipto, "Comparative Law Analysis of Consumer Protection Law in E-Commerce Transaction Between Indonesia and United States." *UIR Law Review* 5, no. 2 (2021), p. 11-25.

³⁸ David Blankfein-Tabachnick, and Kevin A. Kordana. "On Rawlsian Contractualism and the Private Law." *Va. L. Rev.* 108 (2022).

³⁹ Rosyid, *Analisis Perilaku Konsumen Terhadap Mystery Box Perspektif Islam* (Doctoral dissertation, IAIN Ponorogo). (2021).

merchants to adhere strictly to all applicable legal standards concerning consumer rights and fair trading practices, thus protecting consumers from any unfair or deceptive business practices and enhancing their overall shopping experience.⁴⁰

2. Issues in Enforcement and Compliance

While the policy outlines a robust framework, its enforcement is inconsistent, as evidenced by the incidents reported by consumers, including the sale of counterfeit branded products such as bags. This inconsistency can be attributed to several factors:

- a. Lack of adequate verification: although shopee requires merchants to agree to these terms, there is insufficient verification of the authenticity of products at the point of listing. Without rigorous checks, there is room for non-compliant products to enter the marketplace.
- b. Reactive approach: shopee's enforcement mechanism is largely reactive. The platform often acts only after counterfeit products are reported by consumers, rather than preventing such listings proactively. This approach places the burden of initiating action against counterfeit goods on the consumer, who may not always be able to identify counterfeit products accurately. According to Article 4 point (c) and (e) Indonesian Consumer legal protection Act 1999), consumers have the right to obtain correct, clear, and honest information regarding the conditions and guarantees of goods or services and have the right to obtain goods or services in accordance with the exchange value and the conditions and guarantees promised. Shopee's reactive approach can be considered contrary to this principle, as it does not provide adequate legal protection for consumers from the risk of counterfeit products, this is also not in compliance with Article 19 Indonesian Consumer legal protection Act 1999. Therefore, more proactive policies are needed to effectively protect consumers on e-commerce platforms.
- c. Merchant accountability: there is a loophole in the accountability of merchants. In cases like the counterfeit bag incident, the merchant was able to disappear shortly after the complaint was filed, suggesting that penalties or sanctions imposed were either insufficient or not promptly enforced. This raises concerns about the effectiveness of Shopee's policy in deterring sellers from listing counterfeit products.

3. Recommendations for Strengthening Policy Implementation

⁴⁰ Salsabila Athiyyatulmajid, Kuswardhani Kuswardhani, and Wardah Yuspin. "Responsibility For Product Defects In Marketplace Shopee: Study Of Electronic Transactions." *Jurnal Indonesia Sosial Teknologi* 4, no. 9 (2023), p. 1342-1348.

To address these gaps, we recommend several measures that Shopee could implement to enhance the effectiveness of its policy against counterfeit goods:

- a. Enhanced initial verification: introduce more rigorous initial checks when merchants register and list products. This could involve steps like requiring proof of authenticity for branded goods or implementing AI-driven tools to scan and flag potential counterfeit listings based on image recognition and price point analysis.
- b. Continuous monitoring: adopt a more proactive approach by continuously monitoring listed products using automated systems that can flag discrepancies in product listings for further review. Regular audits of merchant activities, including periodic checks similar to those outlined for initial registration, could also help ensure ongoing compliance with Shopee's policies.⁴¹
- c. Transparent sanctioning process: improve transparency regarding the actions taken against non-compliant merchants. Publicly sharing information about sanctions could deter potential counterfeit sellers by increasing the perceived risk of punitive actions.
- d. Strengthening merchant agreements: review and possibly revise the merchant agreement to include more explicit consequences for policy violations, such as increased financial penalties or longer suspension periods. Also, consider implementing a tiered system where repeat offenders face increasingly severe consequences.⁴²

By closing these enforcement gaps and enhancing the robustness of its merchant verification and monitoring processes, Shopee can significantly improve the effectiveness of its policies, thereby better protecting consumers and enhancing their trust in the platform.

Conclusion

The study on consumer legal protection in the online market, especially in the context of Shopee, basically has adequate policies. However, in its implementation, there are still discrepancies between the products displayed on the application and the products distributed. This discrepancy results in a gap between

⁴¹ R. Maulidia, *Transformasi dan Sinergi Lembaga Perlindungan Konsumen dan Perguruan Tinggi*. (Q Media. 2022).

⁴² Rico Rico, and Udi Rosadi. "Regulasi Dan Keadilan Sosial: Strategi Perlindungan Pengguna Media Sosial Dalam Konteks Kapitalisme Digital." *Innovative: Journal Of Social Science Research* 3, no. 5 (2023).

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regulation and implementation, which can be detrimental to the community in making transactions. The study highlights the gap between policies designed to ensure product authenticity and accuracy of descriptions and their practical implementation, which sometimes fails to protect consumers from counterfeit products. The study also highlights several crucial areas that need to be improved to maintain the effectiveness of consumer rights. From the results of the study, there are still many cases of goods purchased by consumers that do not match what is described, which violates the provisions set by Shopee that every seller must provide a description according to the condition of the product or goods sold. This gap is mainly due to shortcomings in the verification process, the reactive nature of law enforcement, and the lack of strict accountability for traders.

To enhance consumer trust and security, it is imperative for Shopee to overhaul its approach by instituting more rigorous merchant verification processes at the outset and adopting proactive monitoring strategies to detect and address violations before they affect consumers. Transparency in the enforcement of penalties and the complaint resolution process is also crucial. Such transparency not only discourages fraudulent activities by increasing the perceived risks of penalties for the merchants but also bolsters consumer confidence in the platform's dedication to their legal protection. Educating consumers about their rights and the available complaint mechanisms will empower them to protect themselves and others from fraudulent practices. By implementing these recommendations, it is hoped that the legal protection of consumers, especially regarding the rights of consumers, as regulated in Article 4 of the Indonesian Consumer legal protection Act 1999, can be improved. Additionally Shopee can foster a safer and more trustworthy environment, ultimately leading to greater consumer satisfaction and loyalty, which are vital for the platform's long-term success in the competitive e-commerce landscape.

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