



The Role of Civil Law in Protecting Consumer Rights in E-Commerce

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ABSTRACT

KEY WORDS

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The role of civil law in protecting consumer rights in the e-commerce sector has become an increasingly relevant issue along with the growth of online transactions. Using a qualitative approach through literature studies and literature research methods, this study explores the legal framework that governs consumer rights, including the right to information, transaction security, and compensation mechanisms for losses. Various national and international regulations related to electronic contracts, standard clauses, and online dispute resolution mechanisms are analyzed to identify their effectiveness in protecting consumers. The findings show that the main obstacles to consumer protection in e-commerce include low consumer awareness of their rights, weak regulatory oversight, and the complexity of cross-border jurisdictions. Alignment of civil law with the development of information technology is needed to increase the effectiveness of legal protection. In addition, consumer education and strengthening regulations related to online contracts are important steps to ensure legal certainty. The conclusion of the study emphasizes the importance of synergy between regulatory development, stronger supervision, and collaboration between business actors, consumers, and the government in creating a fair and safe e-commerce ecosystem. Strategic recommendations include the development of online-based dispute resolution mechanisms, the improvement of standard clauses, and the preparation of regulations that are responsive to digital dynamics.

1. Introduction

The development of digital technology has changed the way consumers interact with the market, especially through e-commerce platforms that offer convenience and efficiency in transactions. However, behind this progress, challenges arise related to the protection of consumer rights, such as personal data security, dispute resolution, and often unilateral electronic contract clauses (Astuti & Nugraha, 2020; Rachman, 2021). Civil law has an important role in providing certainty and legal protection in online transactions, including regulating the rights and obligations of the parties involved (Rahardjo, 2019).

Civil law has a fundamental role in providing a legal framework that regulates the relationship between consumers and business actors in e-commerce transactions. As part of private law, civil law regulates the rights and obligations of both parties based on the principle of freedom of contract, which is the basis for the creation of agreements in electronic transactions. In this context, civil law provides protection to consumers through the arrangement of electronic contracts, including provisions regarding the validity, validity, and transparency of clauses in online agreements. Standard clauses that are often used in e-commerce contracts, such as provisions on returns of goods and cancellation of transactions, must be in accordance with the principle of fairness and not create inequality for consumers (Astuti & Nugraha, 2020; Rachman, 2021).

In addition, civil law also protects consumers from potential losses arising from the actions of business actors, such as violations of the right to clear and accurate information. In e-commerce transactions, information about products, prices, and terms of service is often not conveyed transparently, which can mislead consumers. Civil law provides a legal basis for consumers to claim compensation for losses they suffer as a result of the violation. In some countries, regulations related to electronic contracts have even been adjusted to the development of information technology to ensure that consumers get

optimal protection, such as the recognition of electronic signatures as legal documents in online transactions (Amalia, 2021; Hidayati, 2022).

However, the application of civil law in e-commerce faces significant challenges, especially when it comes to cross-border transactions. The complexity of jurisdictions and regulatory differences between countries are often obstacles in providing effective consumer protection. For example, when there is a dispute between consumers and business actors in different jurisdictions, which law applies and how the resolution mechanism is an issue that must be addressed. In this regard, international civil law can play an important role through collaborative arrangements between countries to create global consumer protection standards. In addition, increasing consumer education about their rights and strengthening supervision of business actors is an important step to increase the effectiveness of civil law in protecting consumer rights in the digital era (Pratama, 2020; Kartika, 2021).

Although there have been many studies that have discussed consumer protection in e-commerce, there is a research gap related to the implementation of specific civil law in the context of cross-jurisdictional transactions and the challenges of adapting to evolving technology (Amalia, 2021; Hidayati, 2022). In addition, legal protection is often reactive and less adaptive to new problems, such as algorithm manipulation and exploitation of consumer data (Pratama, 2020).

The urgency of this research lies in the need to strengthen the role of civil law as a pillar of consumer protection that is responsive to digital dynamics. Previous research has focused more on the perspective of public policy or criminal law, so it has not comprehensively explored the contribution of civil law in e-commerce transactions (Siregar, 2020; Kartika, 2021). In this context, this study offers a novelty in the form of a critical analysis of electronic contract regulations and online-based dispute resolution mechanisms.



This study aims to analyze the role of civil law in protecting consumer rights in the e-commerce sector, especially in facing cross-border legal challenges and technological evolution. The benefits of this research include theoretical contributions in the form of the development of civil law studies in the digital era and practical benefits in the form of strategic recommendations for the government, business actors, and consumers to create a safer and fairer e-commerce ecosystem.

2. Methodology

This study uses a qualitative approach with the type of literature review research to analyze the role of civil law in protecting consumer rights in e-commerce. This approach was chosen because it is relevant in exploring various theories, regulations, and legal practices that underlie consumer protection in the context of online transactions. Literature studies allow researchers to dig deeper into understanding through the collection and analysis of secondary data from a variety of trusted sources (Creswell, 2014; Zed, 2014).

The data sources used in this study include scientific journals, books, laws, international regulations, as well as official reports from government agencies and organizations related to e-commerce. This data is obtained through searches in academic databases such as Springer, Scopus, and Google Scholar, as well as legal documents published by national and international institutions. The main focus of data collection is on documents that discuss civil law,

consumer protection, and electronic transactions to ensure relevance to the research topic (Bowen, 2009).

Data collection techniques are carried out through identification, selection, and critical analysis of relevant documents. Each data source is evaluated based on its credibility, reliability, and contribution to the development of the analytical framework of this research. The data analysis method used is content analysis, which aims to identify the main themes and patterns that emerge from the analyzed literature. This analysis was carried out systematically to formulate in-depth and critical findings regarding the role of civil law in e-commerce (Krippendorff, 2013; Miles, Huberman, & Saldaña, 2014). The results of the analysis are then interpreted to provide practical recommendations and theoretical contributions.

3. Result and Discussion

This study uses a literature study method to analyze the role of civil law in protecting consumer rights in the e-commerce sector. The literature data presented in the following table are the results of a selection of a number of articles relevant to the research topic. From the various articles found, ten articles were selected based on their relevance, academic quality, and contribution to the understanding of the role of civil law in e-commerce. These articles are analyzed to explore the main themes that are the focus of the research.

No	Author & Year	Title	Findings
1	Step & Nugraha (2020)	<i>Digital Economy and Consumer Rights in E-Commerce Transactions</i>	Civil law plays a role in ensuring the transparency of electronic contracts and the protection of rights.
2	Amalia (2021)	<i>Legal Protection for Consumers in E-Commerce Transactions: A Comparative Study</i>	Regulations in developed countries are more responsive to technological changes than in developing countries.
3	Primary (2020)	<i>Algorithmic Transparency and Consumer Rights: Emerging Legal Issues</i>	Civil law regulations need to include algorithmic transparency in online transactions.
4	Hidayati (2022)	<i>Challenges in Cross-Border Consumer Protection: A Civil Law Perspective</i>	The complexity of jurisdiction is a major challenge in international consumer protection.

No	Author & Year	Title	Findings
5	Kartika (2021)	<i>E-Commerce Regulation in Indonesia: A Critical Analysis</i>	Electronic contract regulations in Indonesia still need to be aligned with digital technology.
6	Rachman (2021)	<i>Consumer Protection in the Era of Digital Transactions</i>	Civil law provides a strong legal basis to protect consumers in the digital era.
7	Siregar (2020)	<i>The Role of Civil Law in Protecting Digital Consumers</i>	Consumer education is needed to increase understanding of their rights.
8	Rahardjo (2019)	<i>Law and Social Change</i>	Civil law must adapt to social changes due to technological developments.
9	Wahyuni (2021)	<i>Online Dispute Resolution in E-Commerce</i>	Online-based dispute resolution is effective but requires stronger regulation.
10	Susanti & Dharmawan (2021)	<i>Consumer Protection Laws in Southeast Asia: A Comparative Overview</i>	ASEAN countries have diverse consumer protection standards and require harmonization.

This table presents the main findings from the analyzed articles, which form the basis for formulating strategic recommendations and the contribution of this research to the development of civil law in e-commerce.

Based on the literature data table that has been presented, this study finds that civil law has a strategic role in protecting consumers in the e-commerce sector, especially in ensuring that consumer rights are maintained in the midst of digital technology developments. The analyzed article shows that consumer protection in online transactions is highly dependent on electronic contract regulation, information transparency, and fair dispute resolution mechanisms. The role of civil law in regulating the relationship between consumers and business actors seems dominant, as outlined by Astuti and Nugraha (2020), who emphasized the importance of transparency in online contracts.

The study also highlights the comparison between consumer protection regulations in different countries. Amalia (2021) revealed that developed countries have regulations that are more adaptive to technological developments compared to developing countries, such as Indonesia. This shows that there is a gap in the application of civil law at the global level. More responsive regulations, such as the recognition

of electronic signatures and oversight of the use of personal data, are factors that differentiate the effectiveness of consumer protection in developed countries.

In addition, Pratama's (2020) research pays special attention to the transparency of algorithms used in e-commerce platforms. Algorithms are often used to influence consumer decisions without providing enough information about how they work. These findings reinforce the argument that civil law needs to include technological aspects, including algorithmic transparency and protection against manipulation of consumer data, so that consumers can make more rational and fair decisions.

The complexity of jurisdiction in cross-border transactions is another major challenge identified in this study. Hidayati (2022) and Susanti & Dharmawan (2021) stated that differences in legal standards between countries often make it difficult for consumers to obtain equal protection. In the context of ASEAN, for example, harmonization of consumer protection regulations is an urgent need to ensure that consumer rights can be more comprehensively protected at the regional level.

This study also found that an online-based dispute resolution mechanism is one of the proposed

solutions to overcome disputes in e-commerce transactions. Wahyuni (2021) said that online dispute resolution mechanisms can speed up the mediation and arbitration process, but still need stronger regulations to ensure fairness and transparency in the process. This is in line with the findings of Kartika (2021) which highlights the need to align electronic contract regulations with the development of digital technology.

In conclusion, this study emphasizes that consumer protection in e-commerce requires synergy between strengthening civil law, adapting to technology, and harmonizing regulations at the global level. Consumer education is also an important factor as outlined by Siregar (2020), to increase consumers' understanding of their rights. Thus, this research not only makes a theoretical contribution to the development of civil law, but also offers practical recommendations for the government and business actors to create a safer and fairer e-commerce ecosystem.

Discussion and Analysis

The findings of this study show that civil law plays a strategic role in protecting consumer rights in the e-commerce sector. In online transactions, the existence of electronic contracts is the main basis for legal relations between consumers and business actors. As revealed by Astuti and Nugraha (2020), contract transparency is an important element in providing protection to consumers. However, on the other hand, practice in the field often shows the use of standard clauses that tend to burden consumers, such as the elimination of the right to return goods or the limitation of the responsibility of business actors. This phenomenon requires stricter enforcement of civil law to ensure equality in contractual relationships.

Globally, there is a significant gap in consumer protection between developed and developing countries. Amalia (2021) revealed that developed countries are more responsive in regulating new technologies, such as electronic signatures and

consumer data protection. On the other hand, developing countries, including Indonesia, still face challenges in aligning regulations with technological developments. In this context, the responsive legal theory of Nonet and Selznick (1978) becomes relevant, where the law should be able to adapt to social and technological changes to meet the needs of modern society.

Algorithm transparency is another issue identified in this study. Pratama (2020) highlights that algorithms on e-commerce platforms are often used to influence consumer decisions without providing adequate information about how they work. This is in line with the phenomenon of price manipulation and product recommendations regulated by hidden algorithms, which can harm consumers. From the perspective of consumer protection theory, this violates the consumer's right to clear and accurate information. Therefore, civil law regulations must include algorithmic transparency to protect consumers from unfair exploitation.

Another challenge found is the complexity of jurisdiction in cross-border transactions. Hidayati (2022) shows that differences in regulations between countries often make it difficult for consumers to demand their rights. In practice, consumers who suffer losses from foreign-based business actors often face obstacles in determining the applicable legal jurisdiction. This phenomenon is relevant to the theory of private international law, which emphasizes the importance of collaboration between countries in creating global consumer protection standards. Harmonization of regulations, as proposed by Susanti and Dharmawan (2021), is an important step to overcome this challenge.

The online dispute resolution (ODR) mechanism is also the focus of this discussion. Wahyuni (2021) revealed that ODR can be an effective solution to resolve disputes in e-commerce. In practice, some major e-commerce platforms such as Amazon and Alibaba have adopted this mechanism, which allows consumers to file claims online without going through



complicated legal processes. However, regulations related to ODR in Indonesia are still limited, so it requires strengthening civil law to ensure transparency and fairness in the dispute resolution process.

Consumer education is also an important aspect raised by Siregar (2020). Many consumers in Indonesia do not fully understand their rights in online transactions, making them vulnerable to harmful practices. This phenomenon is exacerbated by the low level of digital literacy among the public. In this context, Nader's (1973) theory of consumer empowerment is relevant, which emphasizes that consumers must have access to information and tools to protect themselves from market injustices.

From the author's perspective, these findings emphasize the need for synergy between civil law regulations, government supervision, and consumer education. The government needs to strengthen the legal framework governing e-commerce, including updating regulations related to electronic contracts and ODR mechanisms. In addition, supervision of business actors must also be increased to ensure that they comply with consumer protection standards.

In the global context, harmonization of regulations between countries is a challenge that must be overcome immediately. ASEAN, for example, can be a model for creating regional consumer protection standards that accommodate the needs of its member states. This collaboration will not only provide legal certainty for consumers, but also encourage the sustainable growth of the e-commerce sector.

Overall, the results of this study show that the role of civil law in protecting consumers in e-commerce is significant, but its implementation still faces many challenges. The author argues that a holistic approach, involving legal, technological, and educational aspects, is the key to creating a fair and secure e-commerce ecosystem for all parties.

4. Conclusion

This research highlights the strategic role of civil law in protecting consumer rights in the e-commerce sector, which is increasingly relevant as online transactions increase. Civil law, through electronic contract arrangements, information transparency, and dispute resolution mechanisms, provides an important legal basis for guaranteeing consumer rights. However, in its implementation, various challenges were found such as the abuse of standard clauses, lack of algorithm transparency, and gaps in legal protection between countries. This shows that although civil law has a strong foundation, adaptation to technological developments and cross-country dynamics is still necessary.

The complexity of jurisdictions and regulatory differences between countries are one of the main obstacles in providing effective consumer protection in e-commerce. Harmonization of international regulations is an urgent solution to ensure equal protection for consumers in cross-border transactions. In addition, online-based dispute resolution (ODR) mechanisms have also proven to be an effective tool, but they require strengthening regulations to ensure fairness and accessibility. Legal and digital literacy among consumers is also a challenge that requires more attention so that consumers can understand and utilize their rights optimally.

In conclusion, consumer protection in e-commerce requires a holistic approach that includes strengthening civil law regulations, increasing government supervision, and ongoing consumer education. Synergy between business actors, consumers, and the government is the key to creating an e-commerce ecosystem that is fair, transparent, and safe for all parties.

For further research, it is recommended to conduct an empirical study on the effectiveness of the implementation of civil law regulations in the e-commerce sector, especially in Indonesia. The research can also be expanded by exploring consumers' perspectives through surveys or interviews to understand the extent to which they are aware of and utilize the rights that have been

arranged. In addition, further research is needed on the online dispute resolution (ODR) mechanism implemented in various countries as a model that can be adapted by Indonesia. Research that focuses more on algorithm transparency in e-commerce platforms is also relevant to ensure fairness in technology-based online transactions.

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