

Research Article

Legal Protection for Consumers Receiving Defective Products in Online Transactions

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ABSTRACT

Legal protection for consumers receiving defective products in online transactions is critically needed due to the surge in e-commerce, which has led to increased consumer complaints particularly regarding product quality and authenticity. Consumers often face urgency when encountering unclear seller identities and inadequate product information, resulting in financial losses from receiving defective goods. This situation underscores the necessity of legal accountability for producers and sellers and highlights the need for a robust framework to address consumer disputes effectively. This study aims to deepen understanding of consumer rights and seller obligations in digital marketplaces. Employing a normative legal research method, it analyzes relevant consumer protection legislation. The findings indicate that consumers have access to dispute resolution through the Consumer Dispute Resolution Agency (Badan Penyelesaian Sengketa Konsumen – BPSK). To strengthen legal protection in online transactions, enhanced oversight of business actors and public awareness-raising regarding consumer rights are essential. Clear regulations and effective dispute-resolution mechanisms will better safeguard consumers against unfair commercial practices.

Keywords: Consumer Legal Protection; Online Transactions; Consumer Disputes.

A. INTRODUCTION

The advancement of a nation is often accompanied by rapid development across various sectors. In particular, the economic sector has experienced significant growth, prompting businesses to market their products to a wider audience through online platforms, commonly referred to as e-commerce. This technology facilitates interaction between consumers and producers, enabling the provision of services such as product-related information (Yusuf et al., 2022).

The development of online commerce has transformed the way businesses operate and interact with consumers. E-commerce, or electronic commerce, allows consumers to purchase goods and services online and has become increasingly popular worldwide (Osypa, Pogodin, & Matveevskaya, 2021). With the rise of online trade, consumers are often targeted by business actors seeking large profits by advertising and promoting their products through online media. Consumers are defined as users or beneficiaries of goods or services for specific purposes (Barakatullah, 2016).

Online advertising plays a crucial role in influencing consumer behavior. Several factors determine the value of online advertisements, including the informativeness and credibility of the ads. Credible and high-value advertisements can shape consumer attitudes and increase purchase intentions (Kamaruddin, Mohamed, & Aris, 2020).

Although online commerce offers many conveniences, it also presents significant drawbacks for consumers. Consumers often lack sufficient information about the products and services offered online. This can lead to dissatisfaction when the received product does not meet expectations (Palanissamy & Kesavamoorthy, 2019). The quality of products sold online is often inconsistent, and in some cases, the received items may be of lower quality than those available in physical stores (Choi & Choi, 2025).

For consumers, these weaknesses can lead to financial loss, disappointment, and even violations of their consumer rights. For example, a consumer may receive a defective product or one that does not match the description advertised online. This constitutes a violation or neglect of the consumer's right to obtain clear, accurate, and honest information about the condition of the goods, as regulated in Article 4 of Law No. 8 of 1999 concerning Consumer Protection.

Online transactions often involve a lack of clarity regarding the seller's identity. Anonymity in online marketplaces enables opportunistic behavior, where sellers or buyers can easily

deceive others without the risk of having their identities revealed (Shim & Lee, 2010). Online trade inherently suffers from information asymmetry, in which buyers cannot physically inspect the product, leading to uncertainty and mistrust. The absence of verified seller data exacerbates this issue, making it difficult for buyers to make informed decisions (Engelmann et al., 2022).

Security of payment methods, credit card information, and personal data is a major concern for e-commerce customers. Without reliable seller data, the risks of fraud and data breaches increase, as buyers cannot verify the legitimacy of the seller (Gupta et al., 2024). Furthermore, the lack of authenticated seller information can lead to issues with product authenticity and quality, as buyers have no way to verify the seller's claims.

As a result, numerous cases have emerged in which consumers suffer losses due to receiving defective products. Such product defects are often caused by the negligence of business actors during the production process, inaccurate or misleading information provided, or errors made by the seller. This illustrates the weak consumer protection in online commerce. Consumer protection is essential to ensure fairness, safety, and legal certainty, as product mismatches can lead to various losses, ranging from financial damage to health risks.

Several weaknesses in online commerce have increased the potential for disputes between consumers and online sellers. In many cases,

consumers find it difficult to resolve these disputes. Although some e-commerce platforms provide Online Dispute Resolution (ODR) mechanisms, such as Crowdsourced Online Dispute Resolution (CODR), these platforms often fail to inspire confidence in resolving disputes fairly and independently (Bassiri & Hay, 2021). For instance, when a consumer receives a damaged, defective, or incorrect product and attempts to request a return or refund, sellers may refuse to respond.

In fact, complaints related to online trade account for 95% of all consumer complaints (Yozami, 2021). In Indonesia, such disputes can be resolved through two main avenues: the general court system or the Consumer Dispute Settlement Agency (Badan Penyelesaian Sengketa Konsumen – BPSK) (Panjaitan, 2021).

Consumer protection in online commerce is inseparable from the principle of justice both in transactional processes and in dispute resolution between consumers and online sellers. The concept of fairness in online transactions encompasses various dimensions that influence consumer trust and behavior. This is reflected in the theories of distributive, procedural, and interactional justice (Chiu, Chou, & Chiu, 2013).

Distributive justice concerns the fair distribution of social goods, ensuring that the burdens and benefits of social cooperation are shared equitably among individuals with competing needs and demands (Roemer, 1997). Its principles often revolve around equity (justice

based on contribution), equality (equal shares for all), and need (distribution based on individual needs) (Forsé & Parodi, 2006). In online transactions, distributive justice is strongly influenced by product quality and delivery performance key elements in building trust and encouraging repurchase intention (Chang, Lai, & Hsu, 2012).

Procedural justice refers to the perceived fairness of the processes and methods used to make decisions and resolve disputes. It emphasizes the importance of procedures rather than outcomes. Factors such as the quality of information, availability of contact channels, and satisfaction with service recovery in e-commerce settings are important antecedents of procedural justice (Chang, Lai, & Hsu, 2012).

Interactional justice refers to the quality of interpersonal treatment individuals receive during the application of procedures and information exchange such as the provision of sufficient and honest information about processes and outcomes (Bies, 2013). This includes fairness in interpersonal interactions during transactions. Responsiveness and the quality of communication play a critical role in enhancing interactional justice.

The seller's responsibility is closely related to protecting consumer rights, particularly regarding non-conforming products. The theory of responsibility emphasizes obligations arising from legal norms and standards (Lipinsky & Ivanova, 2017). Responsibility entails the condition in

which a person must be accountable for their actions and may be held liable, blamed, or sanctioned when undesirable outcomes occur, including violations of legal norms (H.R., 2006).

Legal responsibility is built upon three fundamental elements: logic, fact, and value. The logical element refers to rational law, where legal responsibility is grounded in rational legal principles that provide a structured foundation for determining accountability. This involves applying legal norms and principles to ensure consistency and fairness in the legal process (Malyj & Gafurov, 2019).

The factual element is based on actual events or actions, meaning legal responsibility is determined by what has actually occurred including causal relationships and breaches of duty and proving that the actor's conduct directly caused harm or damage (Kozhakhmetov, Askarov, & Askarova, 2018; Mihai, 2023).

The value element draws from moral and social principles, as legal responsibility is also shaped by underlying ethical and societal norms. These principles guide the interpretation and application of legal norms to ensure that the law aligns with public expectations and ethical standards (Chernogor, Emelyanov, & Zaloilo, 2021).

In this article, the author refers to several recent journals, including a study by Ali Nugroho and Elfrida Ratnawati titled *"Perlindungan Konsumen Terhadap Peredaran Produk Pangan Kadaluwarsa"*. The study explores the legal

framework for consumer protection in relation to the distribution of expired food products. The novelty element of the journal lies in its discussion of the legal responsibilities of business actors who circulate expired food products, which aligns with this study's theme. However, this article focuses specifically on consumer protection after the product's shelf life has expired (Nugroho & Ratnawati, 2023).

Another study by Febryan Fransiscus Sukadi, titled *"Aspek Hukum Tanggung Jawab Cacat Produk Desain Industri Dalam Kaitannya Dengan Perlindungan Konsumen"* examines consumer protection based on prevailing legislation. While the journal shares a common topic with this study consumer protection against product defects it differs in its focus. Sukadi's research emphasizes preventive protection against defective products and repressive protection in terms of liability (Sukadi, 2020).

Rina Purwariska's study titled *"Perlindungan Nasabah Pengguna Jasa Transfer Dana Elektronik"* analyzes the legal relationship between banks and customers using Electronic Funds Transfer (EFT) services, and outlines forms of consumer protection from a civil law perspective. The novelty of this journal aligns with the theme of consumer protection in online transactions, particularly where payment is made through electronic funds. However, the focus differs, as it examines the legal relationship between banks as EFT service providers and their customers (Purwariska, 2006).

The study by Agustinus Joko Purwoko, R. Benny Riyanto, and Bambang Eko Turisno titled *"Future of Indonesian Archipelago Consumer Protection Law in the Era of ASEAN Economic Community,"* discusses consumer protection through the current Consumer Protection Law (UUPK). Although UUPK serves as the legal basis for protection, the authors highlight its weaknesses in substance, structure, and legal culture. The novelty of this study also centers on consumer protection under UUPK, but its focus is on the expectation that UUPK should protect consumer interests comprehensively and be effectively implemented within society (Purwoko, Riyanto, & Turisno, 2018).

Another relevant journal by Nurul Fibrianti, Budi Santoso, Ro'Fah Setyowati, and Yuli Rindyawati, titled *"Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws,"* examines consumer protection for individuals who consume goods and services without the intent to resell. Although the journal addresses the same general theme legal protection for consumers it differs in focus. The study investigates consumer behavior in different cultural contexts in relation to appropriate regulations to ensure product safety and quality (Fibrianti et al., 2023).

The aforementioned journals present different research objectives, problem formulations, and findings compared to this article. The author's own study, titled "Legal

Protection for Consumers Receiving Defective Products in Online Transactions" focuses on the legal protection of consumers who receive mismatched products through online transactions. What distinguishes this research is its emphasis on legal protection from the perspective of consumer and producer liability in online product purchases.

B. RESEARCH METHODS

The research method used in the writing of this journal is normative legal research, employing a problem-based approach. This approach involves examining legislation in relation to the issues being studied and the development of legal science within society. According to Soerjono Soekanto, the normative juridical approach is a legal research method conducted by analyzing library materials or secondary data as the basis for investigation, through a review of relevant regulations and legal literature (Soekanto & Mamudji, 2001).

The data analysis technique employed in this research is qualitative analysis. The sources of law used include both primary and secondary legal materials. These legal materials were collected through an inventory technique, which involved tracing relevant sources, followed by classification, documentation, and citation.

C. RESULTS AND DISCUSSION

a. Legal Protection for Consumers Receiving Defective Products in Online Transactions

Based on Law Number 8 of 1999 on Consumer Protection

Defective products, or "miss products," represent a serious issue in the world of commerce and often result in consumer losses (Muthiah, 2018). The circulation of defective products in the market can be attributed to various factors, one of which is the lack of oversight by relevant authorities such as the National Agency of Drug and Food Control (BPOM). Weak supervision allows many unfit or substandard products to remain on the market, preventing consumers from receiving goods that meet their expectations and needs.

Defective products may result from either design flaws or production errors during the manufacturing process (Licardi, Limpong, & Najib, 2023). Design flaws occur when a product contains errors in its planning or blueprint, causing it to malfunction or fail to perform as intended. Meanwhile, production defects arise from mistakes during the fabrication or processing stage, leading to products that do not meet the required quality standards. As a result, consumers often receive goods that deviate from the specifications or may even pose safety risks.

A concrete example of a defective product is food or beverages that have undergone physical changes, such as bulging cans, moldy food, or drinks with a foul odor. A notable case involved a food purchase via an online application, in which a consumer discovered an animal inside the meal after having already

consumed half of it. The consumer filed a complaint against both the restaurant and the online application, demanding accountability. However, neither the restaurant nor the online platform demonstrated any good faith in resolving the issue (Saputra, 2021). This situation indicates that the product had deteriorated in quality or had even been contaminated.

The situation is further exacerbated by the lack of accountability from producers and sellers in addressing consumer complaints regarding defective products. Many consumers face difficulties in obtaining compensation or refunds for products that fail to meet the expected standards. The legal aspect of consumer protection most directly related to consumers concerns the prohibition of certain actions by business actors and their legal responsibilities. These prohibited actions are stipulated in Articles 8 to 17 of Law Number 8 of 1999 on Consumer Protection (UUPK). These provisions may be enforced if it can be proven that the goods and/or services traded through e-commerce violate the stated regulations. Additionally, misleading advertisements are prohibited, particularly those that deceive or mislead consumers by falsely presenting goods and/or services as being in good condition when, in fact, they are not (Nasution, 2001).

Law Number 8 of 1999 on Consumer Protection has both direct and indirect objectives. Directly, it aims to enhance the dignity and

awareness of consumers; indirectly, it encourages business actors to conduct their activities responsibly. The concept of product liability first emerged in the insurance sector in the United States. A business actor's product liability is generally based on the following grounds (Spacone, 2020):

- a. Breach Of Warranty;
- b. Negligence;
- c. Strict Liability.

Article 4 of Law Number 8 of 1999 on Consumer Protection regulates the rights and obligations of consumers, stipulating that:

- a. Consumers have the right to comfort, security, and safety in consuming goods and/or services;
- b. Consumers have the right to choose goods and/or services and to obtain those goods and/or services in accordance with the exchange value, conditions, and guarantees as promised;
- c. Consumers have the right to correct, clear, and honest information regarding the condition and guarantee of the goods and/or services;
- d. Consumers have the right to be heard in expressing their opinions and complaints regarding the goods and/or services they use;
- e. Consumers have the right to advocacy, protection, and dispute resolution related to consumer protection.

The weak position of consumers is often exploited by business actors to maximize their profits. The lack of clear information regarding

goods/services provided by business actors, along with consumers' limited understanding of transaction mechanisms, are key factors contributing to the vulnerability of consumers. To create a healthy business environment for consumers engaging in trade through e-commerce or online platforms, it is necessary to establish a new and adequate legal framework capable of regulating all related activities (Gultom, 2001). Consumer education is essential to encourage more cautious product selection and to raise awareness of their rights as buyers.

The Indonesian government, through Law Number 8 of 1999 concerning Consumer Protection, has taken steps to address cases of product mismatches by establishing consumer protection agencies, facilitating dispute resolution, enforcing the law, supervising market practices, and withdrawing defective products. To enhance its effectiveness especially in the digital era amendments are needed to address legal ambiguities and improve dispute resolution mechanisms.

The enforcement of the Consumer Protection Law (UUPK) still faces several challenges caused by various factors. These include errors, deficiencies, and weaknesses in the UUPK itself, particularly in terms of legal grammar, structure, business actors' responsibilities, consumer dispute resolution, and institutional frameworks (Njatrijani, 2017). Given these shortcomings, revisions are necessary to

refine the UUPK and ensure that it aligns with its original purpose namely, to protect consumers.

b. Consumer Dispute Resolution in Filing Claims in Consumer Disputes

Disputes between consumers and business actors in sale and purchase transactions are often unavoidable, particularly in the context of transactions conducted through online platforms. Consumers who feel disadvantaged due to receiving mismatched or defective products have several dispute resolution mechanisms available to pursue their rights in accordance with applicable legal provisions (Wahyudi, Budiarta, & Ujianti, 2022).

Legal certainty in providing consumer protection particularly the protection of consumer rights has been reinforced through specific legislation, offering hope that business actors will not act arbitrarily to the detriment of consumer interests (Susanto, 2008). Dispute resolution in Indonesia is governed by various regulations aimed at providing fair, swift, and efficient mechanisms for the parties involved. Under Law Number 8 of 1999 concerning Consumer Protection (UUPK), there are two main avenues for resolving consumer disputes: out-of-court settlement and litigation. Each pathway has its own advantages and disadvantages, depending on the nature of the dispute and the preferences of the parties involved.

Dispute resolution through litigation has increasingly become a preferred option among

the public, in line with rising education levels and greater legal awareness of citizens' rights as Indonesian nationals. According to the Supreme Court Circular Letter No. 2 of 2014 concerning Case Resolution at the First and Appellate Levels within the Four Judicial Environments, the judicial system in Indonesia, as described above, requires a considerable amount of time. The court process from the first instance (District Court) to cassation at the Supreme Court can take more than one year. Case resolution at the First Instance Court must be completed within a maximum of five (5) months, and resolution at the Appellate Court within a maximum of three (3) months.

Non-litigation dispute resolution refers to a process of resolving disputes outside the formal court system. This method aims to reach a mutual agreement between the parties involved without undergoing lengthy and costly court proceedings. It is commonly used in disputes such as business conflicts, family matters, consumer disputes, and others (Moh. Horah & Hariyanto, 2021). The advantages of non-litigation dispute resolution include faster, more cost-effective, and more flexible processes. The parties involved can determine the resolution procedures based on their own needs and interests. Moreover, non-litigation dispute resolution can foster better relationships between parties, as they work together to reach a mutually beneficial agreement.

i. Out-of-Court Dispute Resolution through the Consumer Dispute Settlement Agency (BPSK)

The Consumer Protection Act (UUPK) provides a mechanism for resolving consumer disputes outside the court through the Consumer Dispute Settlement Agency (BPSK). BPSK is an institution authorized to handle and resolve disputes between consumers and business actors through procedures that are simpler, faster, and more cost-effective than general court proceedings. Article 49 of the UUPK stipulates that dispute resolution through BPSK can be carried out through mediation, conciliation, or arbitration. Consumers who feel harmed may submit a complaint to BPSK by providing supporting evidence, such as a purchase receipt, photos of the defective product, or records of communication with the business actor.

ii. Dispute Resolution through the Court

If resolution through BPSK does not yield satisfactory results, or if the consumer seeks compensation in a larger amount, the claim may be filed through the judicial process. Article 57 of the UUPK states that the execution of a decision must be submitted to the District Court located in the jurisdiction where the consumer has suffered harm. Consumers may sue business actors on the grounds of breach of contract or unlawful acts (tort), in accordance with the provisions of the Indonesian Civil Code (KUHPerdota). Such claims are submitted to the District Court where the business operates or where the consumer

experienced the loss. The presence of BPSK allows for quicker, easier, and more economical dispute resolution and is considered efficient because BPSK is required to issue a decision within 21 working days (Nugroho, 2008).

This legal pathway allows consumers to formally sue business actors in accordance with Indonesia's civil procedural law. Based on the Supreme Court Circular Letter No. 2 of 2014, proceedings at the first-instance court must be completed within a maximum of 5 months, and at the appellate level within 3 months. However, the litigation process may take longer if appeals or cassation are filed.

c. Refund or Return Claims Through E-Commerce Platforms

The purchase of goods through online platforms in Indonesia is expected to continue growing rapidly, in line with technological advancements and the advantages offered, such as ease of access, price comparison, a wider range of product choices, lower costs, flexible payment methods, and convenient delivery. These are just some of the benefits of doing business through online store platforms (Siregar, Pandiangan, & Sitepu, 2023).

Several e-commerce platforms provide complaint and dispute resolution mechanisms that allow consumers to file claims for refunds or product returns. This means that if buyers receive products that do not match the advertised description, the producers or sellers are

responsible for making it right by returning or replacing the item. This role is essential in protecting consumers from products that fail to meet their expectations (Sakti, 2020).

These mechanisms generally require consumers to submit evidence such as product photos, a description of the issue, and the transaction history. Although these processes are not part of formal litigation, e-commerce platforms have consumer protection policies that help resolve disputes without involving legal proceedings.

d. Consumer Claims for Compensation

In cases of consumer disputes, the Consumer Protection Act (UUPK) grants consumers the right to claim compensation from business actors who have caused them harm. Compensation may take the form of a refund, product replacement, repair, or any other form of redress appropriate to the loss suffered by the consumer. Article 19 of the UUPK also regulates the liability of business actors towards consumers. Business actors proven negligent in providing accurate information or selling defective products may face administrative or criminal sanctions in accordance with applicable laws.

With the existence of various dispute resolution mechanisms, consumers are expected to enjoy stronger legal protection and easier access to their rights. The effectiveness of these mechanisms largely depends on consumers' legal awareness and their willingness to pursue justice through the appropriate channels. Ensuring legal

certainty and efficiency in the dispute resolution process is essential to maintaining trust and fairness in consumer-business relationships. Clear guidelines and consistent law enforcement are necessary to avoid legal ambiguity and jurisdictional conflicts (Lestari, 2023).

In short, Indonesia offers multiple consumer dispute resolution options, with a strong emphasis on non-litigation methods to ensure resolutions that are fast, affordable, and effective. Enhancing the legal framework and raising public awareness are crucial to maximizing the benefits of these mechanisms. When using online platforms, consumers can file claims through internal e-commerce systems (e.g., Shopee, Tokopedia, Lazada). Typically, this requires proof of transaction, photos or videos of the damaged product, and chat history with the seller. If unresolved, the case may be escalated to BPSK or to court.

D. CONCLUSION

Legal protection for consumers in sales transactions, particularly those conducted through online platforms, is a crucial aspect to ensure justice and legal certainty for the disadvantaged parties. Defective or faulty products received by consumers can result in both material and immaterial losses. A clear and effective legal mechanism is necessary to resolve disputes arising from transactions that harm consumers. The existence of Law Number 8 of 1999 on Consumer Protection (UUPK) serves as the

primary legal basis for protecting consumers who face issues in commercial transactions.

Consumer disputes can be resolved through two main avenues: out-of-court settlement and court litigation. Out-of-court resolution can be pursued through the Consumer Dispute Settlement Agency (BPSK), utilizing mechanisms such as mediation, conciliation, or arbitration. This method is considered faster and more efficient than litigation, as it avoids lengthy legal proceedings and high costs. Moreover, the presence of BPSK enables consumers to obtain fair solutions without having to navigate the complexities of the formal judicial system. If the resolution provided by BPSK is unsatisfactory, consumers have the right to file a lawsuit in court. Such lawsuits can be based on breach of contract or unlawful acts in accordance with the provisions of the Indonesian Civil Code (KUHPerdata). In this context, consumers must present strong evidence to demonstrate that the business actor was negligent or committed a violation that caused them harm. The court plays a role in issuing rulings that accommodate consumer rights, including compensation for the losses suffered.

In the digital era, e-commerce continues to grow and become an integral part of daily life. However, this electronic trading system also presents challenges in consumer protection, particularly in dispute resolution. Several e-commerce platforms have established complaint and dispute resolution mechanisms that allow

consumers to submit claims for refunds or product returns. Although these mechanisms do not fall under formal litigation, they help provide quicker and more accessible solutions for consumers encountering problems in online transactions. With supportive regulations and effective dispute resolution mechanisms in place, it is expected that the relationship between consumers and business actors will become more balanced. Legal certainty in sales transactions whether conducted conventionally or through online media must be continuously strengthened to offer optimal protection for consumers. The government and relevant institutions must also enhance monitoring efforts and increase public awareness of consumer protection to raise legal consciousness among the population. Thus, consumer transactions can proceed more safely, fairly, and transparently in the future.

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