

Consumer Protection Against the Sale of Counterfeit Products in E-Commerce: A Human Rights and Legal Certainty Perspective in Indonesia

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Article Info	Abstract
Received: 09-01-2025 Accepted: 25-04-2025 Published: 27-04-2025 Keywords: Consumer Protection; Counterfeit Product Sales; E-commerce; Human Rights; Legal Certainty; Progressive Law	The phenomenon of e-commerce in Indonesia has demonstrated rapid growth, with high transaction values projected in 2024. However, the circulation of counterfeit products on digital platforms poses a serious challenge, endangering consumers. Although the legal framework for consumer protection in Indonesia provides a foundation for safeguarding consumer rights, oversight of counterfeit products in e-commerce has been deemed ineffective in ensuring consumer protection. This study employs normative legal research methods with comparative law, legislative, and conceptual approaches. The findings reveal that the Consumer Protection Act (UU Perlindungan Konsumen) has not been fully effective in ensuring the accountability of digital platforms, monitoring products, and resolving disputes. In comparison, EU regulations mandate the responsibility of digital platforms, the use of tracking technologies such as blockchain, regular audits, and strict sanctions for violations. The study recommends strengthening platform accountability in seller verification, adopting technology for product monitoring, and developing an integrated online dispute resolution mechanism through the Consumer Dispute Settlement Body (BPSK). Referring to progressive legal theory, Indonesia's regulatory framework must adaptively evolve to address digital dynamics, create legal certainty, and build public trust in a secure and equitable e-commerce ecosystem.
Info Artikel	Abstrak
Kata Kunci: Perlindungan Konsumen; Penjualan Produk Palsu; E- commerce; Hak Asasi Manusia; Kepastian Hukum; Hukum Progresif	Fenomena e-commerce di Indonesia telah menunjukkan pertumbuhan pesat dengan nilai transaksi yang tinggi pada tahun 2024. Namun, peredaran produk palsu di platform digital menjadi tantangan serius yang membahayakan konsumen. Meskipun kerangka hukum perlindungan konsumen di Indonesia telah memberikan landasan hukum untuk melindungi hak konsumen, namun pengawasan terhadap produk palsu di e-commerce dinilai belum efektif dalam melindungi konsumen. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan perbandingan hukum, perundang-undangan, dan konseptual. Hasil

penelitian menunjukkan bahwa UU Perlindungan Konsumen belum optimal dalam memastikan tanggung jawab platform digital, pengawasan produk, dan penyelesaian sengketa. Sebagai perbandingan, regulasi UE mengatur kewajiban platform digital, penggunaan teknologi pelacakan seperti blockchain, audit berkala, dan sanksi tegas bagi pelanggar. Rekomendasi penelitian mencakup penguatan tanggung jawab platform dalam verifikasi penjual, adopsi teknologi untuk pengawasan produk, dan pengembangan mekanisme penyelesaian sengketa daring yang terintegrasi dengan Badan Penyelesaian Sengketa Konsumen (BPSK). Dengan mengacu pada teori hukum progresif, regulasi di Indonesia perlu berkembang secara adaptif untuk menghadapi dinamika digital, menciptakan kepastian hukum, dan meningkatkan kepercayaan masyarakat terhadap e-commerce yang aman dan berkeadilan.



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INTRODUCTION

The phenomenon of e-commerce in Indonesia has experienced rapid growth, with an increasing number of consumers turning to digital platforms to meet their daily needs (Ayunda, 2022; Surtipeto, Tan, & Agustianto, 2023; Christiana, Fitri, & Silviani, 2024). In 2024, the number of e-commerce users in Indonesia is estimated to reach 65.65 million (Ahdiat, 2024), and the sector's transaction value is projected to reach IDR 1,026 trillion, driven by the growing popularity of live shopping trends (Riyanto & Pertiwi, 2024). However, alongside this advancement, a serious issue has emerged regarding the sale of counterfeit products across various e-commerce platforms (Wicaksono, Kurniawan, & Pratiwi, 2022; Yuswar, Saviera, & Sirait, 2023; Shofwah, 2024). Counterfeit or imitation products circulating in digital markets not only cause financial harm to consumers but also endanger their health and safety.

In Indonesia, although several regulations exist to protect consumers, such as Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Act), the issue of counterfeit goods sales in e-commerce has yet to be fully addressed. The provisions of the law are designed to provide adequate protection; however, weak law enforcement and the lack of supervision over e-commerce platforms often leave consumers vulnerable to fraud. Insufficient monitoring of goods circulating in digital platforms allows counterfeit products to be freely sold without clear sanctions. Moreover, although the Consumer Protection Act stipulates consumers' rights to receive truthful, clear, and accurate information about goods

and services, in practice, this principle remains difficult to uphold in the online environment.

This study identifies a clear gap between the ideal legal protection and the realities in the field. Although the Consumer Protection Act provides a regulatory framework to safeguard consumers against fraud, many e-commerce platforms have not taken decisive actions to combat the circulation of counterfeit goods. For example, Article 8 of the Consumer Protection Act guarantees consumers' right to accurate information; however, misleading advertisements and inaccurate product descriptions remain prevalent in e-commerce, illustrating the significant gap between legal ideals and practical realities.

Previous studies conducted by Disemadi & Budi (2023) and Ayunda (2022) have offered valuable insights into consumer protection issues in e-commerce but contain certain limitations. Disemadi & Budi (2023) focused on the protection of trade secrets amid the surge of e-commerce, primarily discussing regulatory gaps concerning intellectual property rights and cybersecurity threats without specifically addressing consumer harms related to counterfeit goods. Meanwhile, Ayunda (2022) emphasized the urgency of personal data protection in e-commerce, focusing on data privacy regulations rather than the protection of consumers from counterfeit products circulating in the digital market.

Other research by Yanti & Mahadewi (2023), and Sudirman & Disemadi (2023), discussed consumer protection against expired products and intellectual property violations in e-commerce but did not specifically address the issue of counterfeit goods harming consumers. Furthermore, Shahrullah, Syarief, & Hariyanto (2024) studied the application of disclaimers in e-commerce as part of consumer protection efforts, but their findings were limited to the ineffectiveness of standard clauses in offering real protection against counterfeit purchases. Similarly, the study by Nanda Pramudya Pangestu et al. (2022) emphasized the importance of providing accurate consumer information but did not adequately explore protective mechanisms for consumers purchasing counterfeit goods online.

The uniqueness of this study lies in its focus on integrating the perspective of human rights (HR) with legal certainty regarding consumer protection, specifically in the context of counterfeit goods sales on e-commerce platforms. This research highlights the fundamental human right of consumers to safe and high-quality goods, a right often overlooked in online transactions. By adopting a human rights lens, this study offers a novel perspective

on consumer protection and seeks to strengthen the recognition of consumers' rights in digital commerce.

The significance of this study lies in providing recommendations for policymakers to enhance consumer protection, particularly concerning the sale of counterfeit goods in e-commerce. Furthermore, this study can serve as a reference for developing more comprehensive policies and regulations regarding e-commerce and consumer protection in Indonesia. However, it is important to note that this study is limited in scope, focusing solely on counterfeit goods in e-commerce platforms, and does not cover the distribution of counterfeit products through social media or non-e-commerce applications.

RESEARCH METHOD

The stages of this research begin with the analysis of the identified problem, followed by the determination of the appropriate legal research method. The method employed in this study is normative legal research. Normative legal research focuses on the analysis of applicable legal norms, encompassing statutory regulations, jurisprudence, and legal doctrines (Tan, 2021). This method is utilized to identify, analyze, and evaluate existing legal provisions within the context of the issues under investigation. In this study, the normative legal method is used to examine consumer protection against the sale of counterfeit products in e-commerce, emphasizing the legal certainty provided by the existing regulations. The selection of this method is highly relevant, considering the characteristics and objectives of normative legal research (Disemadi, 2022). Following the determination of the research method, the next stage involves selecting the type of analytical approach to be applied. This study employs a comparative law approach, a statutory approach, and a conceptual approach. The data utilized are secondary data obtained through literature study, comprising legal materials such as the 1945 Constitution of the Republic of Indonesia, Law No. 8 of 1999 concerning Consumer Protection, Law No. 39 of 1999 concerning Human Rights, the Directive on Consumer Rights (2011/83/EU), the Digital Services Act (2022), the Regulation on Market Surveillance and Compliance of Products (2019/1020), and other relevant legal instruments. Upon data collection, the research proceeds with the analysis of the collected data. The data analysis technique employed is descriptive-qualitative analysis, aiming to systematically and clearly describe the applicable legal provisions and interpret the findings from the perspective of the prevailing legal framework.

RESULTS AND DISCUSSION

Consumer Protection in E-commerce Transactions from a Human Rights Perspective

Consumer protection is an effort to provide legal certainty and a sense of security for consumers in the use of goods and/or services (Tampubolon, 2016; Rahman, Mayasari, & Nurapriyanti, 2023; Fista, Machmud, & Suartini, 2023). This protection encompasses the consumer's right to obtain clear information, receive compensation for losses, and access fair dispute resolution mechanisms. In Indonesia, consumer protection has become increasingly important due to the imbalance of power between business actors, who tend to dominate, and consumers, who are more vulnerable to harm, particularly in the digital era where the flow of information and transactions has accelerated (Rustam et al., 2023; Harahap & Chrisanta, 2023; Soemarwi & Ridzkiya, 2023; Muhtadi & Sahrul, 2023).

Law No. 8 of 1999 on Consumer Protection (Consumer Protection Law) was designed to ensure that consumer rights are respected, to encourage business responsibility, and to establish a transparent and fair consumer protection system. Philosophically, consumer protection aligns with the values of *Pancasila*, especially the fifth principle, which emphasizes social justice for all Indonesians. It also supports the national development goals outlined in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Articles 27 and 33 of the Constitution highlight the importance of equitable economic management and balance in societal life, which includes safeguarding consumers as an integral part of the national economic system. Thus, consumer protection is not merely a legal issue but also an embodiment of the fundamental values of the Indonesian state and constitution.

Prayuti (2024) emphasizes that the Consumer Protection Law serves as a fundamental legal basis for guaranteeing consumer rights and creating a balance of responsibilities between consumers and business actors. Based on the principles of benefit, justice, and legal certainty, the law aims to protect consumers from risks arising in both traditional and modern trade activities. Furthermore, it supports the establishment of a healthy commercial ecosystem, where consumers are entitled to accurate information, safe services, and protection from harmful business practices.

Technological advances and globalization have expanded consumer access to a variety of products and services, but they have also presented new challenges such as online fraud, unclear product information, and violations of consumer data privacy.

Yulianingsih & Putra (2024) assert that the Consumer Protection Law provides the legal framework needed to address these challenges, ensuring the protection of consumer rights, including the right to transparent information, transaction security, and accessible dispute resolution mechanisms (Warianto, Amboro, & Sudirman, 2024).

The principles of benefit, justice, and balance as regulated in Article 2 of the Consumer Protection Law serve as the fundamental basis for fostering fair relationships between consumers and business actors, particularly in e-commerce transactions. The principle of benefit stresses that consumer protection must bring real advantages, such as convenience and safety in transactions. The principle of justice ensures that consumer rights and business obligations are treated equally and without discrimination, while the principle of balance mandates that both parties share proportional responsibilities in the buying and selling process (Satrianingtyas, 2024). In the context of e-commerce, these principles promote the development of a healthy and transparent trading ecosystem.

The purpose of consumer protection, as stipulated in Article 3 of the Consumer Protection Law, is to enhance consumer awareness, capability, and independence in protecting their rights. This is highly relevant in the digital age, where consumers frequently face risks such as fraud, misleading advertisements, or products that do not match descriptions. Consumer protection fosters a fair legal system and ensures access to accurate and transparent information. It also raises business actors' awareness of their responsibility to provide quality goods and services, thereby fostering consumer trust and supporting sustainable digital economic growth.

In e-commerce transactions, Article 4 of the Consumer Protection Law grants consumers the right to enjoy comfort, security, and legal certainty. Consumers are entitled to clear, accurate, and non-misleading information and are eligible for compensation if the goods or services received do not match the description. This right is crucial to protect consumers from counterfeit goods, data breaches, and inadequate services. In return, Article 5 outlines the consumer's obligation to carefully understand product information and act in good faith during transactions, including adhering to the usage procedures to mitigate potential risks.

Business actors in e-commerce are required by Article 7 to provide truthful, honest, and comprehensive information regarding the goods or services offered, including product descriptions, pricing, and quality standards. The prohibition against marketing goods or services that differ from their descriptions, as regulated in Article 8, plays a key role in

protecting consumers who cannot physically inspect products before purchase. Furthermore, Article 9 prohibits misleading promotional practices, such as false advertisements or exaggerated claims, which are often found in digital platforms. These regulations aim to ensure transparency and better protection against unfair business practices.

In cases of disputes, Articles 45 to 58 of the Consumer Protection Law provide mechanisms for resolution through judicial and non-judicial processes. For e-commerce consumers, these mechanisms offer avenues to seek redress against violations committed by business actors. The Consumer Dispute Settlement Agency (BPSK) facilitates dispute resolution at the regional level, ensuring faster and more cost-effective processes, thereby providing broader access to justice for digital consumers.

The law also imposes strict sanctions on business actors who violate consumer rights. For instance, Article 62 stipulates criminal penalties of up to five years' imprisonment or fines of up to IDR 2 billion for severe violations, such as fraud or the sale of counterfeit goods. In the context of e-commerce, this provision can be applied to those who misuse consumer data or market hazardous goods. Furthermore, Articles 29 and 30 assign the government the responsibility for supervising and fostering business actors, particularly those operating in the digital sector, including regulating digital platforms to ensure compliance with consumer protection standards. The government, in collaboration with consumer protection organizations (LPKSM), also undertakes consumer education initiatives and establishes effective complaint mechanisms, ensuring comprehensive protection for consumers in facing the complex challenges of e-commerce transactions.

Consumer protection in e-commerce transactions, as regulated under the Consumer Protection Law, aims to ensure consumers' rights to clear information, security, and fairness in every transaction. From a human rights (HR) perspective, as stipulated in Law No. 39 of 1999 on Human Rights, consumer protection in e-commerce reflects fundamental HR principles, safeguarding the right to information (Article 14), the right to security (Article 30), and the right to justice (Article 17). Human rights are inherent, universal, and inalienable rights of every individual that must be respected, protected, and fulfilled by the state and society (Situmeang & Fajar, 2020; Sofian & Munawar, 2023; Primadhany, 2023).

Table 1. Consumer Rights under the Human Rights Law

Consumer	Human Rights Law
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Rights	
Right to Information	Article 14 of the Human Rights Law: “(1) Every person has the right to communicate and to obtain information necessary for the development of his or her personal and social environment; (2) Every person has the right to seek, obtain, possess, store, process, and convey information using all available means.”
Right to Security	Article 30 of the Human Rights Law: “Every person has the right to feel safe and secure and to be protected against threats of fear, whether to act or not to act.”
Right to Justice	Article 17 of the Human Rights Law: “Every person, without discrimination, has the right to obtain justice by submitting applications, complaints, and lawsuits in criminal, civil, or administrative matters and to be tried through a free and impartial judicial process in accordance with procedural law that guarantees an objective examination by an honest and fair judge, to obtain a fair and correct ruling.”

Source: Interpretation of the Human Rights Law

The right to information ensures that consumers have access to truthful and accurate information regarding the products or services offered (Faris & Winario, 2024), while the right to security protects consumers from threats such as the misuse of personal data or the distribution of hazardous products (Maharani & Dzikra, 2021). On the other hand, the right to justice provides a foundation for consumers to be treated equally before the law, including access to transparent and fair dispute resolution mechanisms. These three elements constitute the main pillars of consumer protection in digital transactions.

As part of the state's obligations, consumer protection in e-commerce plays a crucial role in upholding human dignity and safeguarding citizens from unfair, misleading, or discriminatory commercial practices. This responsibility aligns with human rights principles, which require states to respect, protect, and fulfill human rights, as stipulated in Article 71 of the Human Rights Law. With the rapid development of digital commerce, effective regulation of business actors and the strengthening of supervisory mechanisms are vital to prevent violations of consumer rights. Thus, consumer protection in e-commerce is not merely a legal issue but also a tangible effort to uphold human rights in the digital era.

The alignment between consumer protection in e-commerce and human rights principles lies in the shared responsibility of the state and business actors to respect, protect, and fulfill individual rights. The Consumer Protection Law explicitly requires business actors to provide accurate, non-misleading information and to be accountable for consumer losses. This corresponds to Article 5 of the Human Rights Law, which guarantees every individual's right to equal treatment before the law, including within the

complex dynamics of digital transactions. Furthermore, the protection of personal data as part of the right to privacy, enshrined in Article 29 of the Human Rights Law, is a crucial element in e-commerce. Consumer data is often at risk of misuse, either by third parties or by the business actors themselves. Therefore, robust oversight mechanisms and strict enforcement against privacy violations are necessary to ensure that consumers can engage in economic activities safely. This not only protects the right to privacy but also strengthens consumer confidence and security in conducting digital transactions.

Moreover, access to justice through fast, affordable, and fair dispute resolution reflects the respect for human rights. The Consumer Dispute Settlement Agency (BPSK) serves as an alternative forum for consumers to resolve their disputes without undergoing lengthy and costly judicial processes. This arrangement corresponds to Article 17 of the Human Rights Law, which mandates that every individual has the right to obtain justice through objective and impartial legal proceedings, ensuring that harmed consumers have tangible protection.

The synergy between consumer protection as regulated in the Consumer Protection Law and human rights principles enshrined in the Human Rights Law creates a strong foundation for building a fair, safe, and inclusive e-commerce environment. Through this protection, consumers can enjoy their rights without discrimination, while business actors are encouraged to operate ethically and responsibly. In the digital era, where physical boundaries often become irrelevant, the enforcement of these principles ensures that human rights are upheld and respected across all sectors of life, including the digital economy.

Referring to the above analysis, it can be concluded that the legal framework for consumer protection in e-commerce reflects a commitment to upholding fundamental human rights. Consumers possess the right to truthful information, security in transactions, and fair dispute resolution — all integral components of individual rights protection. Based on the legal protection theory, which emphasizes the importance of a legal system capable of preventing injustice and imposing sanctions on violators (Tirtakoesoemah & Arafat, 2019; Moertiono, 2021), this becomes even more relevant in the context of e-commerce, where consumers are often at a disadvantage compared to business actors, particularly when facing risks such as digital fraud, privacy breaches, and misleading advertisements.

Legal protection for consumers also represents the state's responsibility to shield its citizens from unfair and exploitative practices. The legal system, as regulated under the

Consumer Protection Law, aims to establish a balance between consumers and business actors. The principles of justice, legal certainty, and benefit form the essential foundation for ensuring the fulfillment of consumer rights. This aligns with human rights principles, which emphasize that every individual is entitled to security, truthful information, and justice. In digital transactions, business actors are obligated to provide clear and non-misleading product information and to be accountable for any resulting losses, thereby honoring consumer rights.

From a human rights perspective, consumer protection in e-commerce also encompasses the right to privacy, which has become a central concern in the digital age. The misuse of consumers' personal data constitutes a serious human rights violation that must be anticipated through strict supervision and clear regulatory frameworks. The synergy between consumer protection and human rights ensures that e-commerce can grow inclusively and sustainably. The state and business actors share the responsibility to create a safe, transparent, and fair digital ecosystem. By applying the theory of legal protection, consumers are provided with a strong legal foundation to defend their rights. Meanwhile, human rights principles reinforce the importance of integrity, justice, and security in e-commerce transactions, making them an integral part of human rights-based economic development. Therefore, consumer protection in e-commerce is not only a legal obligation but also a moral commitment to respecting fundamental human rights.

Legal Certainty of Consumer Protection in the Sale of Counterfeit Products on E-commerce Platforms: Challenges and Regulatory Gaps

Law No. 8 of 1999 on Consumer Protection (Consumer Protection Law) provides a solid legal foundation to guarantee legal certainty for consumers (Siregar, 2024), particularly in protecting them against the sale of counterfeit products in e-commerce. Legal certainty is a fundamental principle within the legal system, ensuring order, clarity, and precision in the regulations governing societal life. It guarantees that laws are enforced consistently, transparently, and comprehensibly, thereby fostering a sense of security and justice (Andrianto, 2020; Aulia, 2024). According to Gustav Radbruch, legal certainty is one of the three fundamental values of law, alongside justice and expediency. Radbruch emphasizes that legal certainty is essential because it provides clarity, stability, and predictability for individuals in conducting their social and legal activities (Muslih, 2017; Syafrida & Hartati, 2020; Ratnasari, Afif, & Kamaludin, 2023).

Specifically, Radbruch defines legal certainty as a condition where the law is reliable, accepted, and understood by society and is consistently enforced by the relevant authorities. For example, Article 8 of the Consumer Protection Law explicitly prohibits business actors from trading goods that fail to meet prescribed standards, are defective, or do not match product descriptions. Counterfeit products, which frequently violate these provisions, are the focus of regulation to protect consumers from financial loss, health risks, and safety hazards.

Moreover, the Consumer Protection Law stipulates that consumers have the right to receive truthful, clear, and accurate information (Article 4), encompassing product descriptions, conditions, and warranties. In the context of e-commerce, enforcing these rights minimizes the risk of consumers being deceived by counterfeit goods sold through online platforms. Consumers are also entitled to compensation if the product received does not comply with the agreement or causes damage.

The Consumer Protection Law ensures legal certainty by providing accessible dispute resolution mechanisms for consumers. The Consumer Dispute Settlement Agency (BPSK), regulated under Articles 45 to 58, offers mediation, conciliation, or arbitration channels to resolve disputes without the need for lengthy court proceedings. This mechanism guarantees that consumers harmed by counterfeit products can effectively and affordably seek justice.

As part of a holistic protection strategy, the Consumer Protection Law also prescribes stringent sanctions against business actors who violate consumer rights. Criminal penalties, as outlined in Article 62, include up to five years of imprisonment or fines up to IDR 2 billion for trading non-compliant or counterfeit goods. Thus, the law creates a healthy commercial ecosystem where consumers feel protected, and business actors are encouraged to operate ethically and responsibly.

Today, the sale of counterfeit products on e-commerce platforms poses a significant challenge to consumer protection in Indonesia. Although the Consumer Protection Law aims to ensure legal certainty and justice for consumers, practical implementation gaps hinder its effectiveness. E-commerce platforms often facilitate the distribution of counterfeit goods, with business actors being difficult to track or hold accountable due to the anonymity and complexity of digital transactions. Although the Consumer Protection Law mandates business actors to provide accurate and truthful information, enforcement of product authenticity on digital platforms remains weak.

Other challenges lie in law enforcement and monitoring. The government, under Article 30, is responsible for supervising goods circulating in the market. However, digital platform oversight demands sophisticated technologies and closer collaboration among government agencies, platform providers, and society, which are not yet optimally operational. Consequently, counterfeit products continue to proliferate. Additionally, the sanctions stipulated in Article 62 are insufficiently deterrent, especially given the difficulties in proving violations across jurisdictions and international borders.

Another gap lies in consumers' access to dispute resolution mechanisms. While BPSK offers a faster and more affordable solution, many consumers are unaware of their rights or lack the resources to pursue claims. Furthermore, return policies for counterfeit products on e-commerce platforms often depend on each company's internal policies, which may not align with the standards established under the Consumer Protection Law.

In contrast, the European Union (EU) has set high standards for consumer protection through instruments such as the Directive on Consumer Rights (Zafriana et al., 2024) and the Regulation on Market Surveillance and Compliance of Products (Goanta & Spanakis, 2022; Zywicka, 2023), requiring e-commerce platforms to ensure that the products sold comply with legal standards, including product marking, authentication, and certification.

Table 2. Comparison of Consumer Protection Regulations in E-commerce: European Union and Indonesia with Recommendations for Improvement

Aspect	European Union (Regulation)	Recommendations for Indonesia
Platform Responsibility	Directive on Consumer Rights (2011/83/EU), Article 6: Digital platforms must provide complete and transparent product information.	Regulate platform accountability under the Consumer Protection Law by requiring verification of sellers and products.
Product Safety	Regulation on Market Surveillance and Compliance of Products (2019/1020), Article 4: Platforms must ensure compliance with EU safety standards.	Require local and global platforms to enforce product safety standards with regular audits.
Technology for Monitoring	Digital Services Act (2022), Article 26: Use digital tracking technologies to	Adopt blockchain-based tracking technologies to monitor product supply chains

	verify product authenticity and origin.	in e-commerce.
International Cooperation	Consumer Protection Cooperation Regulation (EU 2017/2394), Article 7: Cross-border cooperation for consumer protection enforcement.	Establish international cooperation with global platforms and neighboring countries for monitoring and cross-border dispute resolution.
Sanctions for Violations	Market Surveillance Regulation (2019/1020), Article 41: Severe sanctions including fines and product distribution bans.	Strengthen sanctions under the Consumer Protection Law with larger fines and operational bans for major violations.
Consumer Right to Information	Directive on Consumer Rights (2011/83/EU), Article 13: Consumers must receive transparent information, including product guarantees.	Strengthen Article 4 of the Consumer Protection Law by mandating detailed information disclosure about product authenticity.
Dispute Resolution	Online Dispute Resolution Regulation (524/2013), Article 5: Platforms must provide online dispute resolution mechanisms.	Mandate integrated online dispute resolution services linked to BPSK.

Source: Research Analysis

Based on the table above, improving Indonesia’s consumer protection regulations in the context of counterfeit product sales on e-commerce platforms requires a comprehensive approach inspired by the European Union (EU) framework. Progressive legal theory, which emphasizes that the law must evolve with social and technological developments, is particularly relevant in this endeavor.

The EU's Directive on Consumer Rights mandates that digital platforms provide complete and transparent product information. Indonesia could enhance its Consumer Protection Law by obligating platforms to rigorously verify sellers and products, aligning with progressive law that views digital platforms as key actors responsible for consumer safety. The EU's strict requirement for product safety standards should also be mirrored by Indonesia, with periodic audits on products sold online, both domestically and internationally. Progressive legal theory supports regulatory reforms to confront emerging risks such as the distribution of illegal or hazardous goods in digital commerce. Furthermore, the Digital Services Act utilizes technologies like digital tracking (Baker, 2024). Indonesia could integrate blockchain technology to ensure transparency in the

supply chain, enhancing consumer trust and aligning with progressive legal principles that use technological innovation to achieve social justice.

The EU also emphasizes cross-border cooperation to enforce consumer protection against illegal products. Indonesia must similarly strengthen international collaboration, ensuring that its consumer protection measures are not isolated from the globalized market reality. Severe sanctions, such as significant fines and operational bans for violators, are effectively implemented in the EU. Strengthening sanctions under the Consumer Protection Law in Indonesia would align with progressive law goals of ensuring deterrence and protecting consumers from harmful practices.

Additionally, ensuring consumers' right to detailed product authenticity information should become a pillar of Indonesia's consumer protection framework. Strengthening Article 4 of the Consumer Protection Law would empower consumers to make informed decisions. Lastly, adopting accessible online dispute resolution mechanisms, as mandated in the EU's Online Dispute Resolution Regulation, would facilitate broader access to justice for digital consumers. In line with the spirit of progressive legal theory, this would ensure that consumer rights are effectively protected in Indonesia's rapidly evolving e-commerce environment.

CONCLUSION

Consumer protection in e-commerce transactions constitutes a tangible manifestation of efforts to uphold Human Rights (HR), particularly the rights to information, security, and justice. In this context, consumers are entitled to transparent information, protection against risks associated with digital transactions, and access to rapid and fair dispute resolution mechanisms. Indonesia's Consumer Protection Law provides the legal foundation for creating a balanced relationship between businesses and consumers, aligned with the principles of utility, justice, and legal certainty. However, challenges in the digital era, such as the sale of counterfeit products and privacy violations, require more progressive and adaptive regulations. By integrating the theory of progressive law, these regulations can continue to evolve in anticipation of technological advancements and market dynamics. Through a human rights-based approach, consumer protection in e-commerce becomes not only a legal obligation but also an ethical commitment by the state and businesses to create a safe, inclusive, and equitable commercial ecosystem.

Ensuring legal certainty in consumer protection against the sale of counterfeit products in e-commerce presents a major regulatory challenge in Indonesia. Although the Consumer Protection Law provides a strong legal basis, gaps in implementation and oversight remain, particularly in holding e-commerce platforms accountable and ensuring the safety of products sold. The sale of counterfeit goods, which frequently violates consumers' rights to information, security, and justice, demands a regulatory approach that is more progressive and adaptive to technological developments. A comparison between consumer protection regulations in the European Union and Indonesia highlights the need for significant policy updates in Indonesia, particularly regarding the sale of counterfeit goods on e-commerce platforms. The European Union has established robust standards through instruments such as the Directive on Consumer Rights and the Digital Services Act, which regulate platform accountability, product safety, monitoring technologies, and strict sanctions for violations. Proposed improvements for Indonesia include mandating digital platforms to verify products and sellers, adopting tracking technologies such as blockchain, implementing regular product audits, and establishing integrated online dispute resolution mechanisms. Based on the theory of progressive law, regulations in Indonesia must continue to evolve in response to the dynamic nature of digital commerce to guarantee security, justice, and legal certainty for consumers. Thus, the implementation of these measures would not only strengthen consumer protection but also foster public trust in a fair and transparent e-commerce ecosystem.

This study is limited to a comparative analysis between consumer protection regulations in Indonesia and the European Union and does not cover perspectives from countries with different e-commerce regulatory models or consumer experiences in other global markets. Further research is needed to analyze the social and economic impacts of implementing consumer protection regulations in e-commerce, including evaluations of the effectiveness of surveillance technologies and digital-based dispute resolution mechanisms in enhancing consumer trust.

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