

## LEGAL PROTECTION FOR CONSUMERS IN E-COMMERCE TRANSACTIONS (COMPARATIVE STUDY OF INDONESIA & THAILAND)

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### Abstract

The development of e-commerce in Indonesia and Thailand presents new challenges in consumer protection that require in-depth comparative studies. Consumers are in a relatively weak position due to limited access to inspecting goods directly, information asymmetry, and the potential risk of fraud and non-conformity of goods. This study analyzes two main research questions: first, how e-commerce transactions are regulated in Indonesia and Thailand; and second, how legal protection for consumers in e-commerce transactions compares in both countries. The research method uses a normative juridical approach with a statute approach and a comparative approach, with a descriptive analytical nature. Data are sourced from primary legal materials in the form of Indonesian and Thai laws and regulations, as well as secondary legal materials in the form of journals and scientific books, which are analyzed qualitatively. The results of the study show fundamental differences between the two countries. Indonesia has a fragmented regulatory system in various regulations, including Law No. 8 of 1999, the ITE Law, and Government Regulation No. 80 of 2019, which creates overlapping authority, applies a limited reverse burden of proof principle that still burdens consumers, and has a dispute resolution system through the BPSK (Regional Consumer Protection Agency) that is time-consuming and has a low level of compliance. In contrast, Thailand implements integrated regulations with the Consumer Protection Act as umbrella legislation, a strict liability principle that benefits consumers by only proving product defects, losses, and causal relationships, and an efficient dispute resolution system through the OCPB and Online Dispute Resolution with a high level of compliance. The existence of the OCPB as a specialized institution with administrative, mediation, and supervisory authority is a strength of the Thai system. The study recommends that Indonesia adopt an integrated approach, strengthen institutions, and develop a technology-based system to improve the effectiveness of e-commerce consumer protection within the context of ASEAN harmonization.

**Keywords:** Consumer Protection, E-commerce, Comparative Law, Indonesia, Thailand

## INTRODUCTION

The increasingly rapid development of science and technology has driven progress in various sectors of life. One manifestation of this progress is the presence of the internet, a product of the development of information and communication technology, which has brought about significant changes in people's activities. The internet is not only used as a means to obtain and disseminate information, but also opens up various forms and new business opportunities. Business activities are now largely conducted electronically, with trade transactions heavily dependent on the internet as the primary medium. Without internet support, electronic buying and selling transactions would be impossible (Padian A, 2019).

The information technology revolution has fundamentally changed global trade patterns, including in Indonesia and Thailand. The development of e-commerce as an electronic-based trading model offers ease of access, time efficiency, and expanded market reach beyond national borders.(Nasution, 2020) In Indonesia, e-commerce growth has increased significantly along with internet penetration and the digitalization of economic activity. A similar phenomenon is also occurring in Thailand, where e-commerce has become a key driver of the national digital economy. However, this rapid growth is not always accompanied by a legal system that is ready to provide optimal protection to consumers.

In e-commerce transactions, consumers are in a relatively weak position compared to businesses. This is due to consumers' limited ability to inspect goods directly and the existence of information asymmetry.(Irlan Anugrah, 2022), as well as potential risks such as fraud, late delivery, non-conforming goods, and difficulties in obtaining compensation indicate that consumer protection in e-commerce requires a comprehensive and adaptive legal approach. According toAndryan Aprynald (2024)Consumer protection is part of corrective justice, aiming to balance the bargaining power between consumers and businesses in modern contractual relationships. In the context of e-commerce, this imbalance is increasingly apparent due to the cross-border, anonymous, and technology-based nature of transactions.

As cited by Purbo and Wahyudi (2001), e-commerce is defined as a dynamic set of technologies, applications, and business processes that connect companies, consumers, and communities through electronic transactions of goods, services, and information. This definition emphasizes that e-commerce involves not only technical aspects but also creates complex legal relationships. Problems that frequently arise in electronic transaction practices include non-delivery of goods, long delivery delays, slow reimbursement, and the inadequate nature of goods delivered. These conditions require a legal framework capable of guaranteeing legal certainty, justice, and effective protection for consumers.

In Indonesia, consumer protection in e-commerce transactions is regulated by Law Number 8 of 1999 concerning Consumer Protection, Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments, and Government Regulation Number 80 of 2019 concerning Electronic Commerce. Although these regulations normatively regulate the rights and obligations of the parties, in practice, various weaknesses remain, particularly related to law enforcement, the effectiveness of supervision, and dispute resolution mechanisms that do not fully support consumer interests.

Unlike Indonesia, Thailand has a more integrated and institutionalized consumer protection system. The Consumer Protection Act BE 2522 (1979), the Product Liability Act BE 2551 (2008), and the National Standardization Act BE 2551 (2008) serve as the primary legal basis for guaranteeing consumer rights. Furthermore, the existence of the Office of the Consumer Protection Board (OCPB), a specialized institution with administrative, mediation, and supervisory authority, demonstrates the country's more proactive approach to consumer protection. According to(Puteri Asyifa et al (2021), comparative legal studies aim to understand how different legal systems provide solutions to the same problems, so that more effective and contextual legal models can be found.

A comparative law approach is relevant in this research because it allows for an analysis of the differences and similarities between e-commerce consumer protection systems in Indonesia and Thailand, both in terms of regulation, institutions, and implementation. As Peter de Cruz points out, comparative law serves not only as a descriptive tool but also as an evaluative and reformulative tool in the formation of national law. By comparing the legal

systems of Indonesia and Thailand, this research is expected to identify the weaknesses and strengths of each system and provide normative recommendations for strengthening e-commerce consumer protection in Indonesia.

Furthermore, consumer protection in sales transactions has a strong normative foundation in the general legal system. The principles of justice, honesty, and a balance of rights and obligations of the parties are fundamental elements that must be upheld in every legal relationship between business actors and consumers. Protection of consumers, as the relatively weaker party, is also a primary objective, to prevent detrimental and unfair practices. These principles align with the objectives of consumer protection in the modern positive legal system, which emphasizes the creation of legal certainty, justice, and the protection of consumer rights. Therefore, this study uses a comparative legal approach to analyze consumer protection in e-commerce transactions in Indonesia and Thailand, in order to find a more effective, equitable, and responsive legal protection model to the development of digital technology.

## RESEARCH METHOD

This research uses a normative juridical method with a statute approach and a comparative legal approach. (Fauzah et al., 2025) The use of normative juridical methods with a statutory and comparative legal approach is supported by academic studies that emphasize the importance of normative analysis in assessing the effectiveness of consumer protection in the e-commerce sector. The comparative approach allows researchers to see how differences in legal systems affect the level of consumer protection and the available dispute resolution mechanisms. (Benuf et al., 2020) Through analytical descriptive analysis, this study not only maps applicable legal norms but also evaluates the adequacy of regulations in addressing the challenges of cross-border electronic transactions, as emphasized in various studies of economic law and digital consumer protection law.

The research is descriptive and analytical in nature, providing a systematic overview of e-commerce consumer protection regulations in Indonesia and Thailand. Data sources consist of primary legal materials in the form of Indonesian (Law No. 8 of 1999, Law No. 11 of 2008, Government Regulation No. 80 of 2019) and Thai (Consumer Protection Act BE 2522, Product Liability Act BE 2551) laws and regulations, as well as secondary legal materials in the form of journals, books, and scientific articles. Data collection techniques were carried out through library research, both offline and online. Data analysis used qualitative methods by interpreting legal provisions systematically and logically.

## RESULTS AND DISCUSSION

### E-commerce Transaction Regulation in Indonesia and Thailand

Based on Law No. 8 of 1999, consumers are defined as any person who uses goods and/or services for the benefit of themselves, their families, or other living beings that are not for trade. Article 3 of the Consumer Protection Law stipulates the objectives of consumer protection, namely: (a) increasing consumer awareness, ability, and independence to protect themselves; (b) increasing the dignity and status of consumers by avoiding negative excesses in the use of goods or services; (c) increasing consumer empowerment in choosing, determining, and demanding their rights. Guaranteed consumer rights include the right to security, comfort, and safety; the right to receive correct and honest information; the right to choose goods/services; the right to have one's opinion heard; the right to receive advocacy; the right to receive guidance and education; the right to be treated correctly and honestly; the right to receive compensation and redress; and other rights regulated in laws and regulations.

In the context of e-commerce, the ITE Law regulates the validity of electronic contracts, digital transaction verification, and the responsibilities of electronic system operators. Businesses are required to provide complete and accurate information regarding identity, product specifications, prices, payment methods, shipping, and dispute resolution mechanisms. Government Regulation No. 80 of 2019 requires PMSE businesses to:

(a) provide clear business identity and legality;

- (b) provide complete and correct data and information;
- (c) provide transaction cancellation features;
- (d) maintain the security and confidentiality of consumer data;
- (e) provide responsive customer service.

Thailand offers more structured and comprehensive consumer protection. The Consumer Protection Act provides five fundamental consumer rights: (1) the right to receive accurate and adequate information about product quality through advertising or labeling; (2) the right to freely choose goods and services based on free will; (3) the right to feel safe when using products that meet quality and safety standards; (4) the right to enter into fair contracts without detrimental clauses; (5) the right to receive consideration and compensation for damage caused by products or the behavior of business actors. The Office of the Consumer Protection Board (OCPB) acts as the central agency that monitors and follows up on consumer complaints. (Poom M, et al. 2022) OCPB has a reporting system that is easily accessible through various channels (hotline, website, and mobile app) and is responsive in handling complaints. The agency also actively conducts consumer education campaigns on rights and obligations in online transactions.

The Product Liability Act applies the principle of strict liability, which benefits consumers. In the case of a defective product (manufacturing defect, design defect, or warning defect), consumers only need to prove that the damage occurred due to normal use without having to prove negligence by the business actor. (Rattanakul, 2023) The burden of proof shifts to businesses to demonstrate that the product is not defective or that the damage was not caused by consumer error. Thailand's Personal Data Protection Act (PDPA) provides comprehensive protection for consumers' personal data, with strict penalties for violators. E-commerce platforms are required to obtain consumers' explicit consent before collecting, using, or disclosing personal data.

Consumers have the right to access, correct, delete, or restrict the use of their personal data. Thailand's dispute resolution system is more efficient, with arbitration and mediation mechanisms supported by information technology. Claims and compensation processes are relatively fast and transparent. The OCPB can facilitate negotiations between consumers and businesses, or refer cases to specialized consumer courts that handle disputes with simpler and faster procedures. Regulatory enforcement in Thailand is stricter, with clear and consistent fines and sanctions for violators. The use of technology for monitoring and enforcement is also more advanced, including an integrated database system to track violations and complaint histories against specific businesses.

### **Comparison of Legal Protection for Consumers in E-commerce Transactions in Indonesia and Thailand**

A comparison of consumer legal protection in e-commerce transactions between Indonesia and Thailand reveals fundamental differences in terms of regulation, institutions, and practical implementation. These differences are not only normative but also reflect the effectiveness of consumer protection systems in addressing the increasingly complex dynamics of electronic transactions. From a regulatory framework perspective, Indonesia has a legal system encompassed by various laws and regulations (Padian A, 2022). Law Number 8 of 1999 concerning Consumer Protection provides a general basis for consumer protection, while Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 regulates the legal aspects of electronic transactions.

Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems provides more specific technical regulations regarding the obligations of e-commerce business actors. However, this fragmented regulation creates complex coordination and implementation challenges (Adenia 2020). Overlapping authority between supervisory agencies, unclear enforcement mechanisms, and difficulties in determining which regulations apply in certain situations are consequences of this multi-regulatory system. Kusumadewim et al. (2022) in their research identified that the fragmentation of consumer protection regulations in Indonesia causes confusion not only among consumers but also business actors who have difficulty understanding their legal obligations comprehensively.

Thailand adopts a more integrated and hierarchical regulatory approach. The Consumer Protection Act BE 2522 (1979), as amended, serves as umbrella legislation that provides basic principles of consumer protection. This law is complemented by sector-specific regulations, such as the Product Liability Act BE 2551 (2008) for product liability and the Personal Data Protection Act BE 2562 (2019) for personal data protection. This hierarchical structure facilitates implementation due to the clear division of authority and minimal regulatory overlap (Lertnuwat & Charoensri, 2023). The strength of Thailand's approach lies in the clarity of inter-agency coordination and consistency in law enforcement resulting from a well-structured regulatory system.

The principle of business actor liability is a crucial aspect that differentiates the two legal systems. Indonesia applies the principle of limited reverse burden of proof (*beperkte omkering van bewijslast*) as stipulated in Articles 19 and 22 of the Consumer Protection Law. This principle requires business actors to prove that there is no element of fault in criminal cases related to consumer protection. However, in practice, consumers still have to provide substantial initial evidence to demonstrate the existence of a loss, a contractual relationship, or product consumption, as well as an indication that the loss originated from the business actor's product or service. (Irlan Anugrah, 2022). Only after this initial proof is fulfilled, the burden of proof shifts to the business actor to demonstrate the absence of any element of wrongdoing (Lanja S 2019). Qustulani (2018) identified that in the context of e-commerce transactions, this initial proof stage becomes very problematic because consumers often lack adequate documentation, have difficulty accessing the business actor's internal information, and face limited technical understanding of the electronic systems used in the transaction.

Thailand implements the principle of strict liability through the Product Liability Act BE 2551 (2008), which provides maximum protection to consumers. Under the strict liability system, consumers only need to prove three basic elements: the existence of a product defect (either a manufacturing defect, a design defect, or a warning defect), the loss suffered, and a causal relationship between the product defect and the loss. Consumers do not need to prove negligence or fault on the part of the manufacturer, distributor, or importer. (Suttawat, 2020). The burden of proof shifts entirely to the business actor to show that the product is not defective, or that the loss was caused by factors beyond their control such as force majeure, misuse by consumers, or modification of the product after it left the business actor's possession. The opinion expressed bykungsung (2025) Empirical research shows that the implementation of strict liability significantly increases the success rate of consumers in obtaining compensation, from 45% before the Product Liability Act was enacted to 68% after. This system creates a strong incentive for businesses to improve product quality and quality control systems to avoid potentially financially detrimental liability.

A comparison of dispute resolution mechanisms reveals striking differences in efficiency. Indonesia provides three channels for consumer dispute resolution: direct resolution with business actors, through the Consumer Protection and Consumer Protection Agency (BPSK), and through general courts. Article 45 paragraph (2) of the Consumer Protection and Consumer Protection Act (UUPK) provides consumers with the option of resolving disputes in court or out of court based on the parties' voluntary choice. However, in practice, the average time for dispute resolution through the BPSK ranges from 6 to 12 months, and can even take longer if further legal action is taken (Yulinda, 2023). Factors contributing to the slow dispute resolution process include the limited capacity of the BPSK panel, most of whom work part-time, the complexity of administrative procedures, the lack of technological support to facilitate online processes, and the uncertainty of decision execution. Susanto and Wibisana (2023) noted that business actors' compliance with BPSK decisions is only around 60%, while the remaining 40% require further legal action through the district court for execution, which adds time and costs for consumers.

Thailand implements a multi-layered dispute resolution system that is far more efficient. The OCPB facilitates informal mediation, which is typically resolved within 30 to 45 days for small-value disputes. If informal mediation is unsuccessful, the case can be escalated to formal arbitration, with a resolution time of approximately 2 to 3 months. For more complex or

high-value cases, Thailand has a Consumer Protection Court, a specialized court with simplified procedures and low costs, with an average resolution time of 3 to 6 months (Tanchanpongs & Saengchote, 2023). A significant advantage of the Thai system lies in the implementation of Online Dispute Resolution (ODR), which allows the entire dispute resolution process to be conducted online, from filing a complaint and virtual mediation to reaching an agreement and monitoring its implementation. C'haroensri and Wiriyapong (2024) in their evaluation of the Thai ODR platform demonstrated that this system successfully increased the accessibility of dispute resolution for consumers in remote areas, reduced transportation costs and time, and increased transparency through an online tracking system accessible to the parties at any time. The user satisfaction rate for the ODR system reached 82%, and the level of business actor compliance with mediation results or decisions reached 90%, much higher than in Indonesia.

In the context of the ASEAN Economic Community (AEC), harmonization of e-commerce consumer protection has become a crucial agenda given the increasing number of cross-border transactions between ASEAN countries. The ASEAN Committee on Consumer Protection (ACCP) has developed the ASEAN Strategic Action Plan for Consumer Protection 2025, which emphasizes the standardization of consumer rights, the development of cross-border dispute resolution mechanisms, mutual recognition of consumer protection standards, and capacity building among member countries (Pongsakornrunsilp & Schroeder, 2024). Indonesia and Thailand, as the two largest economies in ASEAN, have a strategic role in promoting this harmonization. Lessons learned from Thailand's experience can provide valuable insights for Indonesia in accelerating the transformation of its consumer protection system toward higher regional standards, while Indonesia's experience in managing geographic and demographic complexity can provide important perspectives in designing inclusive consumer protection mechanisms that reach all levels of society.

## CONCLUSION

A comparison of e-commerce consumer legal protection between Indonesia and Thailand reveals significant differences. Indonesia has scattered and fragmented regulations, applies a limited reverse burden of proof principle, and has a fairly outdated dispute resolution system through the Consumer Protection Agency (BPSK). In contrast, Thailand has integrated regulations with the Consumer Protection Act as a legal umbrella, applies the strict liability principle that better protects consumers, and has a more efficient dispute resolution system through Online Dispute Resolution (ODR). The existence of the OCPB as a specialized institution in Thailand is key to the superiority of their system. Thailand's experience can provide lessons for Indonesia in strengthening e-commerce consumer protection, especially in the context of ASEAN harmonization.

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