



International and Regional Agreements and the Evolution of Consumer Protection in Cross-Border E-Commerce: Indonesia Within Asean

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Abstract. This study examines the role of international and regional agreements in shaping Indonesia's consumer protection framework in cross-border e-commerce, with particular reference to the Association of Southeast Asian Nations (ASEAN). It addresses three key issues: the extent to which such agreements influence normative legal development, how far these commitments are implemented domestically, and what gaps persist between legal harmonization and practical enforcement. Using a normative juridical (doctrinal) approach, the study analyzes Indonesian laws alongside regional instruments such as the ASEAN Agreement on E-Commerce, the findings indicate that ASEAN frameworks significantly contribute to regulatory alignment, promoting harmonization, cooperation, and the adoption of international best practices. However, this alignment remains largely formal. Substantial gaps persist in enforcement, particularly in relation to standard-form contracts, jurisdictional uncertainty, institutional limitations, and the underdevelopment of online dispute resolution mechanisms. The study concludes that effective consumer protection requires not only legal convergence but also stronger institutional capacity, clearer private international law rules, and integrated dispute resolution systems. Bridging the gap between normative commitments and practical implementation is essential for ensuring meaningful consumer protection in Indonesia's evolving digital economy.

Keywords: ASEAN Regulation, Consumer Protection, Cross-Border Transactions, E-Commerce Law, International Agreements.

Abstrak. Studi ini meneliti peran perjanjian internasional dan regional dalam membentuk kerangka perlindungan konsumen Indonesia dalam perdagangan elektronik lintas batas, dengan merujuk secara khusus pada Perhimpunan Bangsa-Bangsa Asia Tenggara (ASEAN). Studi ini membahas tiga isu utama: sejauh mana perjanjian tersebut memengaruhi perkembangan hukum normatif, sejauh mana komitmen tersebut diimplementasikan di dalam negeri, dan kesenjangan apa yang masih ada antara harmonisasi hukum dan penegakan praktis. Dengan menggunakan pendekatan yuridis normatif (doktrinal), studi ini menganalisis hukum Indonesia bersama dengan instrumen regional seperti Perjanjian ASEAN tentang Perdagangan Elektronik. Temuan menunjukkan bahwa kerangka kerja ASEAN secara signifikan berkontribusi pada keselarasan regulasi, mendorong harmonisasi, kerja sama, dan adopsi praktik terbaik internasional. Namun, keselarasan ini sebagian besar masih bersifat formal.



Kesenjangan substansial masih ada dalam penegakan hukum, khususnya terkait dengan kontrak standar, ketidakpastian yurisdiksi, keterbatasan kelembagaan, dan kurangnya pengembangan mekanisme penyelesaian sengketa daring. Studi ini menyimpulkan bahwa perlindungan konsumen yang efektif tidak hanya membutuhkan konvergensi hukum tetapi juga kapasitas kelembagaan yang lebih kuat, aturan hukum perdata internasional yang lebih jelas, dan sistem penyelesaian sengketa yang terintegrasi. Menjembatani kesenjangan antara komitmen normatif dan implementasi praktis sangat penting untuk memastikan perlindungan konsumen yang bermakna dalam ekonomi digital Indonesia yang terus berkembang.

Kata kunci: *Regulasi ASEAN; Perlindungan Konsumen, Transaksi Lintas Batas, Hukum E-Commerce, Perjanjian Internasional.*

1. Introduction

The rapid expansion of e-commerce has transformed the way consumers and businesses interact, creating a borderless marketplace where transactions routinely cross national jurisdictions.¹ In ASEAN, this transformation is particularly pronounced due to its large integrated digital market and growing internet penetration, which collectively position the region as a key global e-commerce hub.² For developing digital economies such as Indonesia, this transformation brings both opportunities and regulatory challenges. On one hand, e-commerce stimulates economic growth, digital entrepreneurship, and broader consumer access to goods and services. On the other hand, it raises complex legal issues concerning consumer protection, data security, contractual fairness, and cross-border dispute resolution.³ In this context, consumer protection law can no longer be viewed purely as a domestic regulatory matter, but must be understood within a broader international and regional legal environment.⁴

In the ASEAN context, this dynamic is especially visible, as the region relies heavily on soft-law instruments rather than supranational enforcement structures due to its legal and political diversity.⁵ ASEAN's digital integration agenda, including the ASEAN Agreement on E-Commerce and the ASEAN Economic Community (AEC) Blueprint 2025, reflects a collective effort to harmonize rules governing electronic transactions and consumer protection.⁶ Moreover, ASEAN

¹ M. Adnan Lira et al., "Consumer Legal Protection Related to Goods Storage Agreements in Shopping Centers in Realizing Justice," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 1 (2024): 238. See also, Anggita Doramia Lumbanraja, and Drau Khasanah, "The urgency of product authentication validation features in providing legal protection against copyright infringement in e-commerce." *Review of Economics and Finance* 20, no. 1 (2022): 129; Shino Uenuma, "Consumer Protection in Cross-Border E-Commerce Markets," In *Cyberlaw for Global E-business: Finance, Payments and Dispute Resolution*, (Hershey: IGI Global Scientific Publishing, 2008), pp. 214.

² Juthamas Thirawat, "E-Commerce in ASEAN: An emerging economic superpower and the case for harmonizing consumer protection laws," *South Carolina Journal of International Law and Business* 18, no. 2 (2022): 8.

³ Gregory Crawford et al., "Consumer Protection for Online Markets and Large Digital Platforms," *Yale Journal on Regulation* 40 (2023): 103. See also, Jingting Liu et al., "Facilitating Data Flows Across ASEAN: Challenges and Policy Directions," In *Data Governance and the Digital Economy in Asia* (London: Routledge, 2024), 132; Sonia E. Rolland, "Consumer protection issues in cross-border ecommerce," In *Research Handbook on Electronic Commerce Law* (Cheltenham: Edward Elgar Publishing, 2016), 369.

⁴ Deviana Yuanitasari et al., "A comparison study of strict liability principles implementation for the product liability within Indonesian consumer protection law between Indonesia and United States of America law," *Cogent Social Sciences* 9, no. 2 (2023): 226748.

⁵ Thirawat, "E-Commerce in ASEAN," 9.

⁶ Agustinus Joko Purwoko et al., "Future of Indonesian Archipelago Consumer Protection Law in the Era of ASEAN Economic Community," In *IOP Conference Series: Earth and Environmental*

and its Member States, including Indonesia, have established a relatively comprehensive legal and policy framework governing cross-border e-commerce, particularly through instruments such as the ASEAN Agreement on Electronic Commerce, its subsequent implementation work plans, and Indonesia's ratification under Law Number 4 of 2021. These frameworks are further reinforced by ongoing regional initiatives such as the ASEAN Digital Economy Framework Agreement, which aim to deepen digital integration and enhance consumer trust in cross-border transactions. These frameworks aim to reduce regulatory fragmentation, enhance legal certainty, and strengthen consumer trust in cross-border digital trade.⁷

At the regional level, ASEAN plays a central role through initiatives such as the ASEAN Agreement on E-Commerce, which seeks to align legal frameworks for cross-border electronic transactions and improve predictability in digital commerce.⁸ Complementing this, the ASEAN Committee on Consumer Protection (ACCP) facilitates cooperation among member states by sharing regulatory practices and coordinating consumer redress mechanisms.⁹ Moreover, ASEAN increasingly emphasizes Online Dispute Resolution (ODR) systems as a key tool for managing cross-border consumer disputes, reflecting global trends in digital justice mechanisms.¹⁰

Beyond ASEAN, global legal developments also influence Indonesia's regulatory direction. Comparative legal models, particularly from jurisdictions with more advanced digital governance frameworks such as the European Union and

Science, vol. 175, no. 1, (Bristol: IOP Publishing, 2018), 12156. See also, Wilbert et al., "Legal Analysis of the Implications of the ASEAN Agreement on E-Commerce for Electronic Business Contracts in Indonesia," *Jurnal Suara Hukum* 6, no. 1 (2024): 49.

⁷ Lurong Chen, "ASEAN in the Digital Era: Enabling Cross-border E-commerce," In *Developing the digital economy in ASEAN* (London: Routledge, 2019), 259. See also, Lekha Kunju Pillai Laxman, "Legal and regulatory challenges in facilitating a sustainable ASEAN E-commerce sector," In *Research Anthology on E-Commerce Adoption, Models, and Applications for Modern Business* (IGI Global, 2021), 1929.

⁸ Wilbert et al., "Legal Analysis of the Implications," 51.

⁹ Chen Vivien et al., "An ASEAN framework for cross-border cooperation in financial consumer dispute resolution," *Asian Journal of Comparative Law* 12, no. 1 (2017): 168. See also, Chen, "ASEAN in the Digital Era," 260. See also, Wiwik Sri Widiarty, and Md Hasnath Kabir Fahim, "Institutional Roles and Mechanisms in Upholding Legal Protection under Consumer Protection Law in the Era of Globalization," *Jurnal Hukum UNIS-SULA* 40, no. 2 (2024): 139.

¹⁰ Keon-Hyung Ahn, "Online Dispute Resolution Network in Facilitating E-Commerce," In *Facilitating Digital Trade in ASEAN and East Asia* (Singapore: Springer Nature Singapore, 2025), 246. See also, Zuo Xiangbin et al., "A Comparative Study of Electronic Commerce ODR: Legal Challenges and Reform Perspectives in China and Indonesia," *Journal of Law and Legal Reform* 7, no. 1 (2026): 294; X. Zuo et al., "Online Dispute Resolution Mechanism for Cross-Border E-Commerce: Empirical Evidence from China," *Journal of Infrastructure, Policy and Development* 8, no. 9 (2024): 11.

the United Arab Emirates, provide important benchmarks for Indonesia's reform agenda. The UAE model, for instance, emphasizes strict transparency, platform accountability, and anti-fraud enforcement in e-commerce transactions.¹¹ Similarly, international instruments such as UNCITRAL Model Law principles highlight the importance of harmonized electronic contract rules and legal certainty in cross-border commerce.¹²

However, alignment at the normative level does not automatically translate into effective consumer protection. Empirical and doctrinal studies indicate that enforcement remains a major challenge across ASEAN, including Indonesia. Fragmentation of legal regimes, differences in national arbitration systems, and limited interoperability of dispute resolution mechanisms weaken cross-border protection.¹³ In Indonesia specifically, standard-form contracts, click-wrap agreements, and platform-dominated marketplaces often undermine consumer bargaining power.¹⁴ Furthermore, issues such as data misuse, platform liability uncertainty, and weak escrow enforcement mechanisms continue to expose structural gaps in consumer protection.¹⁵

In addition, ASEAN's decentralized legal structure presents inherent limitations. While countries such as Singapore and Malaysia have relatively advanced consumer protection systems, other member states still face enforcement and institutional capacity gaps, making harmonization difficult.¹⁶ As a result, cross-border dispute resolution remains inconsistent, and consumers often lack effective remedies when transactions involve multiple jurisdictions. Although ASEAN has promoted ODR platforms and arbitration-based solutions, their implementation

¹¹ Mourad Benseghir et al., "Regulations and Consumer Rights in E-Commerce: A Comparative Analysis Between UAE and Indonesia," *Jurisdictio: Jurnal Hukum Dan Syariah* 16, no. 2 (2025): 377.

¹² Muhammad Nuruddeen, and Yuhanif Yusof, "A comparative analysis of the legal norms for e-commerce and consumer protection," *Malaysian Journal of Consumer and Family Economics* 26 (2021): 28.

¹³ Sareeya Galasintu, and Chanakant Loveera, "The comparative study on consumer protection laws in ASEAN," *Kasetsart Journal of Social Sciences* 42, no. 4 (2021): 806.

¹⁴ Hulman Panjaitan et al., "Strengthening Consumer Protection in Digital Transactions: A Legal Perspective on Click-Wrap Agreements Under the Consumer Protection Law," *Jurnal Hukum UNISSULA* 41, no. 3 (2025): 668.

¹⁵ Zaidah Nur Rosidah, and Lego Karjoko, "Enhancing consumer protection in electronic transactions in Indonesia," *Srivijaya Law Review* (2025): 197. See also, Virya Suprayogi Yusuf et al., "Does Escrow Really Protect Consumers? An Islamic Law Critique of Marketplace Transactions in Indonesia," *Justicia Islamica* 23, no. 1 (2026): 32.

¹⁶ Isay Rahmah et al., "A comparative study on the consumer protection legislations of Malaysia and Thailand," *The Social Science* 7, no. 2 (2012): 348. See also, Galasintu, and Loveera, "The comparative study," 807.

remains uneven due to differences in legal infrastructure and technological readiness.¹⁷

Despite the existence of relatively comprehensive regulatory frameworks at both the ASEAN and national levels, significant gaps remain in their effectiveness and practical implementation, particularly in Indonesia. ASEAN has developed various regional instruments to facilitate e-commerce and consumer protection; however, these frameworks largely operate as soft law and rely on national-level enforcement, resulting in uneven application across member states.¹⁸ Differences in legal capacity and regulatory development continue to hinder harmonization and cross-border enforceability.¹⁹

In Indonesia, although consumer protection is supported by laws such as the Consumer Protection Law and the Electronic Information and Transactions (*Informasi dan Transaksi Elektronik/ITE*) Law, the regulatory framework remains fragmented and insufficiently responsive to emerging digital risks, including platform liability and data misuse.²⁰ Weak enforcement and limited consumer awareness further constrain its effectiveness.²¹ Moreover, consumer protection regimes remain jurisdiction-bound, while cross-border e-commerce transcends national boundaries, creating a disconnect between legal authority and market realities.²² Although mechanisms such as ACCP and ODR exist, their effectiveness remains underexplored.²³

This study therefore aims to examine the role of international and regional agreements in shaping Indonesia's e-commerce consumer protection framework, assessing both normative convergence and practical implementation challenges. By situating Indonesia within the broader ASEAN legal architecture, the study contributes to understanding how regional governance mechanisms influence domestic legal development in the digital economy. It also highlights the importance of bridging the gap between formal legal harmonization and effective

¹⁷ Istianah Zainal Asyiqin et al., "Bridging Digital Justice: A Comparative Study of E-Commerce Arbitration in Indonesia and Taiwan," *Lex Scientia Law Review* 9, no. 2 (2025): 1225. See also, Tao Li et al., "Towards more effective ODR for cross-border B2C e-commerce: Self-regulated or state-run?" *Tsinghua China L. Rev.* 16 (2023): 227; Ahn, "Online Dispute Resolution Network," 247.

¹⁸ Laxman, "Legal and regulatory challenges," 1931. See also, Thirawat, "E-Commerce in ASEAN," 10.

¹⁹ Chen, "ASEAN in the Digital Era," 262.

²⁰ Ariawan, "Regulatory Barriers to Consumer Protection in Digital Marketplaces," *Journal of Human Rights, Culture and Legal System* 5, no. 3 (2025): 821. See also, Panjaitan et al., "Strengthening Consumer Protection," 669.

²¹ Widiarty, and Fahim, "Institutional Roles and Mechanisms," 140.

²² Rolland, "Consumer protection issues," 372.

²³ Ahn, "Online Dispute Resolution Network," 248. See also, Chen, "ASEAN in the Digital Era," 262.

enforcement mechanisms. In line with this objective, this study is structured around three research questions:

1. How do international and regional agreements shape the normative framework of Indonesia's consumer protection in cross-border e-commerce?
2. To what extent are these international and ASEAN commitments effectively implemented and operationalized within Indonesia's domestic legal and institutional framework?
3. What gaps persist between normative harmonization and practical enforcement in ensuring effective consumer protection in cross-border e-commerce transactions in Indonesia?

2. Research Methods

This study employs a normative juridical (doctrinal legal) research design to examine the interaction, alignment, and effectiveness of international and regional agreements within Indonesia's e-commerce consumer protection framework. The research focuses on the analysis of legal norms, principles, and regulatory structures rather than empirical measurement, in line with the identified gap concerning implementation and coherence.

A statutory approach is applied to analyze key Indonesian regulations, including Law Number 8 of 1999 on Consumer Protection, Law Number 11 of 2008 as amended by Law Number 19 of 2016 on Electronic Information and Transactions (ITE Law), Law Number 27 of 2022 on Personal Data Protection, and Law Number 4 of 2021 on the ratification of the ASEAN Agreement on Electronic Commerce. In addition, relevant implementing regulations and sectoral rules are examined to assess regulatory fragmentation and enforcement challenges. At the regional level, the study reviews instruments such as the ASEAN Agreement on Electronic Commerce, its Work Plan (2021–2025), and institutional mechanisms including the ASEAN Committee on Consumer Protection (ACCP) and Online Dispute Resolution (ODR) initiatives.

A conceptual approach is used to explore key legal notions such as consumer protection, cross-border jurisdiction, legal harmonization, and platform accountability in digital commerce. Furthermore, a comparative approach is employed by referring to selected international standards and best practices, including UNCITRAL Model Law principles, to contextualize Indonesia's regulatory development.

Primary legal materials consist of statutes, international agreements, and official ASEAN documents, while secondary materials include scholarly articles and legal analyses. Data are analyzed qualitatively through legal interpretation and systematic

document analysis to identify patterns of normative alignment, regulatory inconsistency, and gaps in enforcement within Indonesia's cross-border e-commerce consumer protection regime.

3. Results and Discussion

3.1. Influence of International and Regional Agreements on Indonesia's E-Commerce Consumer Protection Laws

The evolution of Indonesia's e-commerce consumer protection framework is inseparable from the growing influence of international and regional legal regimes. In the context of cross-border digital transactions, domestic legal systems alone are no longer sufficient to address jurisdictional challenges, enforcement limitations, and the asymmetry of information between business actors and consumers. As noted by Rolland²⁴ consumer protection has traditionally been confined within national jurisdictions, yet e-commerce disrupts this paradigm by enabling direct global market access without corresponding transnational enforcement mechanisms.

At the regional level, ASEAN plays a central role in shaping Indonesia's regulatory landscape. The ASEAN Agreement on Electronic Commerce constitutes a foundational framework aimed at harmonizing legal standards and facilitating cross-border transactions. It establishes norms related to digital contracts, electronic authentication, and consumer protection, thereby creating a more predictable and secure transactional environment.²⁵ Indonesia's participation reflects a commitment to aligning its domestic laws with these regional standards, particularly in areas such as electronic signatures and online consumer safeguards. This harmonization is critical, as legal uncertainty remains a major barrier to consumer trust in cross-border e-commerce.²⁶

In addition, the ASEAN Economic Community (AEC) Blueprint 2025 reinforces consumer protection as a key pillar of regional economic integration. Rather than treating consumer welfare as a peripheral issue, ASEAN integrates it into the broader objective of creating a single market. Through mechanisms such

²⁴ Rolland, "Consumer protection issues," 374.

²⁵ Laxman, "Legal and regulatory challenges," 1932. See also, Wilbert et al., "Legal Analysis of the Implications," 53.

²⁶ Tran Minh Chien, "Cross-Border E-Commerce and Consumer Rights Protection: A Comparison Between ASEAN Law and Islamic Law Principles," *Manchester Journal of Transnational Islamic Law & Practice* 21, no. 2 (2025): 88. See also, Rina Arum Prastyanti, and Ridhima Sharma, "Establishing consumer trust through data protection law as a competitive advantage in Indonesia and India," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 358; Dan Wei, "From fragmentation to harmonization of consumer law: The perspective of China," *Journal of Consumer Policy* 43, no. 1 (2020): 37.

as the ASEAN Committee on Consumer Protection (ACCP), member states, including Indonesia, engage in policy coordination, information exchange, and capacity-building initiatives.²⁷ These initiatives generate both normative pressure and institutional incentives for Indonesia to continuously refine its consumer protection framework in line with regional expectations.

Nevertheless, ASEAN's approach is largely based on soft law instruments, which are not legally binding but exert significant persuasive influence. As Thirawat²⁸ explains, ASEAN's diversity and institutional structure make it difficult to impose hard law across member states. Consequently, harmonization occurs through gradual convergence rather than uniform regulation. This results in varying levels of implementation and enforcement across countries, which in turn affects the overall effectiveness of consumer protection in cross-border transactions.²⁹

Beyond ASEAN, global legal developments further shape Indonesia's regulatory trajectory. International frameworks such as the UNCITRAL Model Law on E-Commerce provide foundational principles for harmonizing digital trade regulations. These instruments aim to modernize outdated legal systems and ensure uniformity in electronic transactions across jurisdictions.³⁰ Although not directly binding, such frameworks serve as benchmarks for good regulatory practice and influence national legislative reforms. Indonesia's gradual adoption of principles related to electronic contracts, data protection, and platform accountability reflects this broader global alignment.³¹

Moreover, participation in global trade dynamics exposes Indonesia to evolving expectations regarding transparency, fairness, and non-discrimination in digital markets. Trade agreements increasingly incorporate provisions on e-commerce and consumer protection, thereby indirectly shaping domestic legal standards. Even in cases where Indonesia is not formally bound by such agreements, the need to remain competitive in global markets encourages anticipatory regulatory adaptation.³² This phenomenon reflects a form of regulatory competition, where states enhance consumer protection to attract cross-border trade and investment.

However, despite these influences, significant challenges persist. One of the primary issues is legal fragmentation within ASEAN. Differences in national

²⁷ Chen, "ASEAN in the Digital Era," 263. See also, Purwoko et al., "Future of Indonesian Archipelago," 12158.

²⁸ Thirawat, "E-Commerce in ASEAN," 11.

²⁹ Galasintu, and Loveera, "The comparative study," 808.

³⁰ Nuruddeen, and Yusof, "A comparative analysis," 29.

³¹ Ariawan, "Regulatory Barriers to Consumer," 823. See also, Benseghir et al., "Regulations and Consumer Rights," 379.

³² Musleh Herry, and Meisy Fajarani, "The problems of international civil law of Indonesia in protecting transnational e-commerce consumers," *Jurnal IUS (Kajian Hukum dan Keadilan)* 10, no. 3 (2022): 623.

regulations create inconsistencies that complicate cross-border transactions and dispute resolution.³³ While some countries have advanced legal frameworks, others face limitations in enforcement capacity and institutional development. This disparity undermines the effectiveness of regional harmonization efforts and highlights the need for stronger coordination mechanisms.

Dispute resolution represents another critical challenge. The complexity of cross-border e-commerce disputes particularly in relation to jurisdiction, evidence, and enforcement necessitates innovative solutions. ASEAN has emphasized the development of Online Dispute Resolution (ODR) mechanisms as a cost-effective and accessible means of resolving disputes.³⁴ ODR systems are designed to overcome geographical barriers and provide efficient redress for consumers. However, their effectiveness depends on the harmonization of national legal frameworks and the enforceability of decisions across jurisdictions.³⁵

In Indonesia, domestic legal frameworks such as the Consumer Protection Law (Law Number 8 of 1999) and the Electronic Information and Transactions Law serve as the primary regulatory foundations. These laws address key issues such as fraud, product safety, and dispute resolution.³⁶ However, they are often criticized for being fragmented and insufficiently adapted to the complexities of digital commerce.³⁷ For instance, the lack of comprehensive data protection regulations has exposed consumers to risks related to data misuse and cybersecurity threats.³⁸

Recent developments, such as the enactment of the Personal Data Protection Law (Law Number 27 of 2022), indicate progress toward aligning with international standards. This law incorporates principles similar to the GDPR and establishes mechanisms for data breach reporting and consumer protection.³⁹

³³ Chien, "Cross-Border E-Commerce," 89. See also, Laxman, "Legal and regulatory challenges," 1935.

³⁴ Ahn, "Online Dispute Resolution Network," 249. See also, Chien, "Cross-Border E-Commerce," 90.

³⁵ Zuo et al., "Online Dispute Resolution Mechanism," 13.

³⁶ Sarman Sinaga et al., "The model of business dispute resolution on electronic transactions in Indonesia," *Journal of Advanced Research in Dynamical and Control Systems* 12, no. 6 (2020): 578. See also, Bambang Sugeng Ariadi Subagyo et al., "Can Indonesia's laws keep up? Protecting consumer rights in digital transactions," *Journal of Law and Legal Reform* 5, no. 3 (2024): 871.

³⁷ Ridwan Arifin et al., "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia," *Jambura Law Review* 3 (2021): 138. See also, Ariawan, "Regulatory Barriers to Consumer," 824.

³⁸ Rahmi Ayunda, "Personal Data Protection to E-Commerce Consumer: What Are the Legal Challenges and Certainties?" *Law Reform* 18, no. 2 (2022): 146. See also, Raphael Haganta, "Legal Protection of Personal Data as Privacy Rights of E-Commerce Consumers Amid the Covid-19 Pandemic," *Lex Scientia Law Review* 4, no. 2 (2020): 79.

³⁹ Cong Tran Quoc Le et al., "Global norms and regional innovation: GDPR, evolution of data protection in ASEAN and the legal trajectory of AI in Vietnam," *TalTech Journal of European Studies* 15, no. 3 (2025): 344. See also, Bintang Mahacakri Lisan Putri et al., "Analysis of Consumer

Nevertheless, challenges remain in terms of enforcement, institutional capacity, and public awareness.

Another important dimension is the role of technology in shaping consumer protection. The rapid advancement of digital platforms, artificial intelligence, and big data analytics has transformed the nature of e-commerce transactions. While these technologies enhance efficiency and consumer convenience, they also introduce new risks related to privacy, algorithmic bias, and platform dominance.⁴⁰ Regulatory frameworks must therefore evolve to address these emerging challenges while maintaining a balance between innovation and consumer protection.

Comparative insights further highlight the importance of international influence. Regions such as the European Union have developed more centralized and comprehensive consumer protection frameworks, including robust mechanisms for cross-border dispute resolution.⁴¹ In contrast, ASEAN's decentralized approach requires greater coordination and harmonization efforts to achieve similar levels of effectiveness. Learning from these models allows Indonesia to identify best practices and adapt them to its domestic context.⁴²

The description above showed that international and regional agreements play a significant role in shaping Indonesia's e-commerce consumer protection framework. They function not only as normative guides but also as catalysts for legal reform, institutional development, and regulatory convergence. ASEAN initiatives, global trade dynamics, and international legal instruments collectively influence the direction of Indonesia's regulatory evolution. However, the effectiveness of this influence depends on the extent to which these norms are translated into coherent domestic regulations and supported by strong enforcement mechanisms. Bridging the gap between normative harmonization and practical implementation remains a key challenge for ensuring effective consumer protection in Indonesia's cross-border e-commerce landscape.

3.2. Implementation of ASEAN and International Commitments in Indonesia's Legal System

Indonesia's implementation of ASEAN and broader international commitments in consumer protection law reflects a gradual but strategic process

Rights Protection Against the Misuse of Personal Data in Fintech Services," *Lex Publica* 12, no. 1 (2025): 34.

⁴⁰ Abhishek Behl, and Justin Zuopeng Zhang, "Guest Editorial: Role of Technology in E-Commerce: Bright and the Dark Side," *South Asian Journal of Business Studies* 12, no. 3 (2023): 319. See also, Crawford et al., "Consumer Protection for Online Markets," 103.

⁴¹ Bartosz Targański, "The legal aspects of consumer protection in cross-border e-commerce," In *Digital Internationalisation of Firms* (London: Routledge, 2025), 227.

⁴² Benseghir et al., "Regulations and Consumer Rights," 380.

of legal convergence. This process is driven by the expansion of cross-border e-commerce, which has fundamentally altered the traditional boundaries of consumer transactions and regulatory jurisdiction. As digital trade intensifies, Indonesia faces increasing pressure to ensure that its domestic legal system aligns with regional and global standards, not only to comply with international expectations but also to maintain competitiveness and consumer trust in the digital marketplace.⁴³

At the domestic level, alignment begins with legislative reform. Indonesia has undertaken efforts to modernize its legal framework through updates to the Consumer Protection Law and the Electronic Information and Transactions (EIT) Law. These reforms aim to address key aspects of digital transactions, including the recognition of electronic contracts, obligations for transparency, and enhanced consumer data protection.⁴⁴ This reflects a broader recognition that traditional legal doctrines governing offline transactions are no longer sufficient in an environment characterized by anonymity, automation, and cross-border interactions. As noted in comparative scholarship, “the old rules and norms governing the sale of goods and services are becoming obsolete” in the face of e-commerce expansion.⁴⁵

However, legal reform alone is insufficient without effective institutional implementation. Consumer protection in Indonesia relies on multiple institutions, including BPKN, BPSK, and LPKSM, which are tasked with enforcement, dispute resolution, and consumer education.⁴⁶ While these institutions provide an important foundation, their effectiveness is often constrained by fragmentation and coordination challenges. This institutional complexity mirrors broader global observations that consumer protection in cross-border e-commerce remains largely confined to domestic regulators, even as transactions themselves transcend national boundaries.⁴⁷

At the regional level, ASEAN plays a central role in shaping Indonesia’s legal alignment. The ASEAN Agreement on Electronic Commerce and related frameworks establish common principles for digital transactions, including consumer protection, electronic authentication, and cross-border data flows.⁴⁸ These instruments function primarily as soft law, reflecting ASEAN’s preference

⁴³ Purwoko et al., “Future of Indonesian Archipelago,” 12160. See also, Wilbert et al., “Legal Analysis of the Implications,” 52.

⁴⁴ Wilbert et al., “Legal Analysis of the Implications,” 54. See also, Purwoko et al., “Future of Indonesian Archipelago,” 12162.

⁴⁵ Nuruddeen, and Yusof, “A comparative analysis,” 29.

⁴⁶ Dhaniswara K. Harjono et al., “Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency,” *Jurnal Hukum Unissula* 40, no. 1 (2024): 261. See also, Widiarty, and Fahim, “Institutional Roles and Mechanisms,” 143.

⁴⁷ Rolland, “Consumer protection issues,” 375.

⁴⁸ Laxman, “Legal and regulatory challenges,” 1934. See also, Wilbert et al., “Legal Analysis of the Implications,” 58.

for consensus-based governance rather than binding supranational regulation. As highlighted by Thirawat⁴⁹ ASEAN's diversity makes it difficult to impose hard legal obligations, resulting in a reliance on flexible and non-binding frameworks.

Despite their non-binding nature, these regional instruments exert significant normative influence. Indonesia is encouraged to harmonize its laws with ASEAN standards to facilitate cross-border trade and reduce regulatory inconsistencies. This harmonization is essential because legal fragmentation across member states remains a major barrier to effective consumer protection.⁵⁰ Differences in national regulations create uncertainty for consumers regarding their rights and available remedies, particularly in disputes involving foreign sellers or platforms.

One of the most important mechanisms promoted at the ASEAN level is Online Dispute Resolution (ODR). The findings show that ODR is increasingly recognized as a critical tool for addressing cross-border consumer disputes due to its accessibility, efficiency, and cost-effectiveness.⁵¹ ASEAN initiatives encourage the development of regional ODR platforms and the harmonization of arbitration frameworks to support digital dispute resolution. However, implementation remains uneven, as member states differ in their legal readiness, technological capacity, and regulatory infrastructure.⁵²

In addition to dispute resolution, ASEAN cooperation also focuses on information sharing and capacity building through institutions such as the ASEAN Committee on Consumer Protection (ACCP). The ACCP facilitates coordination among member states, provides guidance on consumer redress mechanisms, and supports the development of national consumer protection systems.⁵³

Beyond ASEAN, international legal and trade frameworks further shape Indonesia's regulatory alignment. Global instruments such as the UNCITRAL Model Law on E-Commerce provide foundational principles for electronic transactions, promoting legal certainty and uniformity across jurisdictions.⁵⁴ Similarly, international trade regimes emphasize transparency, fairness, and non-discrimination, which indirectly support consumer protection objectives.

⁴⁹ Thirawat, "E-Commerce in ASEAN," 13.

⁵⁰ Chien, "Cross-Border E-Commerce," 91. See also, Laxman, "Legal and regulatory challenges," 1937.

⁵¹ Sareeya Galasintu, "Consumer redress in Thailand and the solution," *Kasetsart Journal of Social Sciences* 37, no. 1 (2016): 68. See also, Ahn, "Online Dispute Resolution Network," 250; Chien, "Cross-Border E-Commerce," 94.

⁵² Zuo et al., "Online Dispute Resolution Mechanism," 14.

⁵³ Monsuru Adekunle Salisu et al., "Systematic review of post-COVID policies and strategies for strengthening e-commerce cooperation among ASEAN countries," *Journal of Economic and Administrative Sciences* (2025): 890. See also, Chen, "ASEAN in the Digital Era," 265; Purwoko et al., "Future of Indonesian Archipelago," 12163.

⁵⁴ Nuruddeen, and Yusof, "A comparative analysis," 31.

However, as Rolland⁵⁵ observes, there remains a significant gap between trade law and consumer protection, with limited consensus on how best to integrate these domains.

The influence of mega-regional trade agreements and global standards is also evident. Even where Indonesia is not formally bound by agreements such as the Trans-Pacific Partnership, these frameworks establish benchmarks that shape domestic regulatory discourse.⁵⁶ Comparative learning further reinforces this trend. Indonesia increasingly looks to jurisdictions with more advanced digital governance systems as reference points for reform. For instance, the UAE's emphasis on transparency, accountability, and anti-fraud measures provides a model for strengthening consumer protection in Indonesia.⁵⁷ This aligns with broader patterns in global lawmaking, where legal transplantation and adaptation are used to address emerging challenges in digital economies.

Nevertheless, the results reveal that alignment remains incomplete and uneven. Several structural challenges continue to hinder effective implementation. First, regulatory fragmentation persists, with overlapping laws and unclear definitions creating ambiguity in enforcement.⁵⁸ Second, data protection remains a critical concern, as gaps in implementation expose consumers to risks such as data breaches and misuse.⁵⁹ Third, enforcement capacity is limited, with many consumers lacking awareness of their rights and available remedies.⁶⁰

These challenges are compounded by broader regional disparities. ASEAN member states vary significantly in terms of legal development, institutional capacity, and digital infrastructure.⁶¹ This unevenness complicates efforts to achieve harmonization and limits the effectiveness of regional initiatives. As Laxman⁶² notes, issues such as payment security, logistics, and data protection require coordinated regulatory responses that are difficult to achieve in a diverse regional context.

⁵⁵ Rolland, "Consumer protection issues," 375.

⁵⁶ Mathijs H. ten Wolde, "Balancing Consumer Rights and Business Interests in Online Cross-Border Consumer Contracts," *Journal of Central Banking Law and Institutions* 1, no. 1 (2022): 12. See also, Herry, and Fajarani, "The problems of international civil law," 624.

⁵⁷ Benseghir et al., "Regulations and Consumer Rights," 383.

⁵⁸ Ariawan, "Regulatory Barriers to Consumer," 826. See also, Arifin et al., "Protecting the Consumer Rights," 139.

⁵⁹ Ayunda, "Personal Data Protection to E-Commerce," 148. See also, Haganta, "Legal Protection of Personal Data," 80.

⁶⁰ Afif Noor et al., "Digital Economy Regulation and Consumer Rights Protection: Realizing Security in Financial Technology Transactions," *Lex Scientia Law Review* 9, no. 2 (2025): 1327. See also, Widiarty, and Fahim, "Institutional Roles and Mechanisms," 147.

⁶¹ Galasintu, and Loveera, "The comparative study," 809.

⁶² Laxman, "Legal and regulatory challenges," 1939.

Technological developments also introduce new complexities. While digital technologies enhance efficiency and accessibility, they also create new risks related to data privacy, cybersecurity, and algorithmic decision-making.⁶³ These evolving risks require continuous regulatory adaptation, further complicating the alignment process.

Despite these limitations, the overall trajectory of Indonesia's legal system indicates a clear movement toward convergence with international and regional norms. This convergence is driven not only by legal obligations but also by economic incentives, technological change, and the need to build consumer trust in digital markets. As digital connectivity expands, aligning with international standards becomes essential for integrating into global value chains and supporting the growth of e-commerce.⁶⁴

3.3. Enforcement Gaps in Cross-Border E-Commerce Consumer Protection in Indonesia

Despite the existence of a formal legal framework, Indonesia continues to face significant enforcement gaps in protecting consumers engaged in cross-border e-commerce transactions. These gaps reflect a broader structural issue: the divergence between normative legal provisions and their practical implementation in an increasingly complex digital marketplace. While foundational laws such as the Consumer Protection Law and the Electronic Information and Transactions (ITE) Law establish basic consumer rights, their effectiveness is constrained by regulatory fragmentation, institutional limitations, and the transnational nature of digital commerce.⁶⁵

A key enforcement gap emerges from the widespread use of standard-form digital contracts in cross-border transactions. These agreements, commonly structured as click-wrap or browse-wrap contracts, are drafted unilaterally by business actors and often include clauses that limit liability, impose foreign jurisdiction, or designate foreign governing law. In practice, consumers rarely read or understand these terms, leading to an imbalance in bargaining power and a weakening of informed consent. As noted by Panjaitan et al.⁶⁶ this contractual asymmetry significantly restricts consumer access to remedies, particularly when disputes arise across jurisdictions. This issue is not unique to Indonesia; globally,

⁶³ Behl, and Zhang, "Guest Editorial: Role of Technology," 320. See also, Crawford et al., "Consumer Protection for Online Markets," 104.

⁶⁴ Shouvik Kishore Majumdar et al., "E-commerce and digital connectivity: unleashing the potential for greater India-ASEAN integration," *Journal of Asian Economic Integration* 2, no. 1 (2020): 66. See also, Prastyanti, and Sharma, "Establishing consumer trust through data," 359.

⁶⁵ Ariawan, "Regulatory Barriers to Consumer," 828. See also, Panjaitan et al., "Strengthening Consumer Protection," 670; Subagyono et al., "Can Indonesia's laws keep up?" 873.

⁶⁶ Panjaitan et al., "Strengthening Consumer Protection," 673.

online markets have demonstrated similar tendencies to disadvantage consumers through complex contractual mechanisms and opaque algorithmic practices.⁶⁷

In addition, the absence of a comprehensive private international law framework further exacerbates enforcement challenges. Indonesian legislation does not clearly regulate key aspects such as applicable law, jurisdiction, or the recognition and enforcement of foreign judgments in cross-border disputes.⁶⁸ This creates legal uncertainty, discouraging consumers from pursuing claims due to high costs, procedural complexity, and unclear outcomes. Scholars have emphasized the importance of adopting clearer jurisdictional rules similar to those found in European frameworks, which provide more predictable legal pathways.⁶⁹ Without such clarity, Indonesia's legal system struggles to effectively address disputes that transcend national boundaries.

Institutional capacity also plays a critical role in limiting enforcement effectiveness. Consumer protection bodies such as the National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional/BPKN*) and the Consumer Dispute Resolution Agency (*Badan Penyelesaian Sengketa Konsumen/BPSK*) are primarily designed to handle domestic disputes and often lack the expertise required for cross-border cases. These institutions face challenges related to technical knowledge, language barriers, and limited international coordination mechanisms.⁷⁰ As a result, even when consumers possess formal legal rights, they may be unable to enforce them effectively due to institutional constraints. This reflects a broader issue identified in global studies, where domestic regulatory systems struggle to adapt to the transnational nature of e-commerce.⁷¹

Another critical gap lies in the underdevelopment of Online Dispute Resolution (ODR) systems. ODR has been widely recognized as a practical solution for resolving cross-border e-commerce disputes due to its efficiency, affordability, and accessibility.⁷² However, in Indonesia, ODR mechanisms remain fragmented and lack formal integration into the national legal system. Purwoko et al.⁷³ highlight that while ASEAN has promoted ODR as a regional solution, its implementation at the national level remains inconsistent. The absence of a robust

⁶⁷ Crawford et al., "Consumer Protection for Online Markets," 106.

⁶⁸ H. Matnuh, "Rectifying Consumer Protection Law and Establishing of a Consumer Court in Indonesia," *Journal of Consumer Policy* 44, no. 3 (2021): 487.

⁶⁹ Herry, and Fajarani, "The problems of international civil law," 625. See also, ten Wolde, "Balancing Consumer Rights," 13.

⁷⁰ Harjono et al., "Ensuring Fair Business Practices," 263. See also, Widiarty, and Fahim, "Institutional Roles and Mechanisms," 148.

⁷¹ Rolland, "Consumer protection issues," 377.

⁷² Ahn, "Online Dispute Resolution Network," 251. See also, Chien, "Cross-Border E-Commerce," 97; Xiangbin et al., "A Comparative Study of Electronic," 295.

⁷³ Purwoko et al., "Future of Indonesian Archipelago," 12165.

ODR framework limits consumers' ability to resolve disputes quickly, particularly for low-value transactions where traditional litigation is impractical. Furthermore, effective ODR requires not only technological infrastructure but also legal recognition and cross-border enforceability, which are still evolving in Indonesia.

Consumer awareness and digital literacy represent additional enforcement challenges. Many Indonesian consumers lack sufficient knowledge of their rights in cross-border transactions and are often unaware of the risks associated with foreign platforms. This vulnerability is compounded by the rapid expansion of digital payment systems and the increasing sophistication of online fraud schemes.⁷⁴ Studies have shown that low levels of digital literacy contribute significantly to consumer susceptibility to unfair practices and data misuse.⁷⁵ Consequently, effective enforcement cannot rely solely on legal mechanisms; it must also involve comprehensive consumer education and awareness initiatives.

Data protection remains another critical area where enforcement gaps are evident. Although Indonesia has made progress with the introduction of personal data protection regulations, implementation challenges persist. Consumers continue to face risks related to data breaches, unauthorized use of personal information, and inadequate cybersecurity measures.⁷⁶ The lack of consistent enforcement and oversight mechanisms undermines the effectiveness of these regulations, leaving consumers exposed to both financial and non-financial harm.⁷⁷ This issue is particularly significant in cross-border contexts, where data flows across jurisdictions with varying levels of protection.

At the regional level, ASEAN initiatives have attempted to address some of these enforcement gaps through cooperation and harmonization efforts. The ASEAN Agreement on E-Commerce and the ASEAN Committee on Consumer Protection (ACCP) provide important platforms for coordination and information exchange.⁷⁸ However, these frameworks are largely non-binding and rely on voluntary compliance by member states, limiting their effectiveness in ensuring consistent enforcement across the region.⁷⁹ The diversity of legal systems and

⁷⁴ Siti Mariyam et al., "Safeguarding Personal Data in Indonesian E-Commerce From a Constitutional Rights Perspective," *Jambe Law Journal* 8, no. 2 (2025): 684. See also, Noor et al., "Digital Economy Regulation," 1328.

⁷⁵ Mei Fei Lee, and Tze Chin Ong, "Competitive Harms of Unfair Commercial Practices in the E-commerce Platforms Market: The Way Forward for ASEAN," *YARS* 31 (2025): 155. See also, Putri et al., "Analysis of Consumer Rights," 36.

⁷⁶ Ayunda, "Personal Data Protection to E-Commerce," 149. See also, Haganta, "Legal Protection of Personal Data," 82.

⁷⁷ Putri et al., "Analysis of Consumer Rights," 37.

⁷⁸ Chen, "ASEAN in the Digital Era," 267. See also, Wilbert et al., "Legal Analysis of the Implications," 59.

⁷⁹ Thirawat, "E-Commerce in ASEAN," 14.

regulatory capacities among ASEAN countries further complicates harmonization efforts.⁸⁰

Comparative analysis reveals that ASEAN's decentralized approach contrasts sharply with more integrated systems such as the European Union, where centralized regulations provide stronger enforcement mechanisms and clearer legal standards.⁸¹ In ASEAN, variations in regulatory maturity and institutional capacity create uneven levels of consumer protection, which can be exploited in cross-border transactions. This fragmentation underscores the need for stronger regional cooperation and more binding legal instruments.

Technological advancements also present both opportunities and challenges for enforcement. While innovations such as artificial intelligence, blockchain, and big data analytics have the potential to enhance consumer protection, they also introduce new risks related to data privacy, algorithmic bias, and cybersecurity.⁸² Effective regulation must therefore keep pace with technological developments to ensure that consumer protection measures remain relevant and effective. In light of these findings, it is evident that enforcement gaps in Indonesia's cross-border e-commerce consumer protection regime require regulatory reforms that focus on clarifying private international law rules, strengthening institutional capacity, and integrating ODR mechanisms into the legal system. At the same time, efforts to enhance consumer awareness, improve digital literacy, and ensure robust data protection are essential.

Moreover, regional cooperation within ASEAN must be strengthened to achieve greater harmonization and consistency in enforcement.⁸³ This includes developing more binding agreements, enhancing the role of regional institutions, and adopting best practices from more integrated systems. As noted by Nuruddeen and Yusof⁸⁴ the development of clear and harmonized legal rules is essential for addressing the complexities of modern e-commerce. Ultimately, the effectiveness of consumer protection in cross-border e-commerce depends not only on the existence of legal norms but also on their practical enforceability. Bridging the gap between law and practice is crucial to ensuring that Indonesian consumers can participate safely and confidently in the global digital marketplace.

⁸⁰ Laxman, "Legal and regulatory challenges," 1940.

⁸¹ Phet Sengpunya, "ASEAN E-Commerce Legal Framework and Alignment of Lao PDR: A Review," *Lentera Hukum* 6 (2019): 378. See also, Targański, "The legal aspects of consumer," 227.

⁸² Behl, and Zhang, "Guest Editorial: Role of Technology," 322.

⁸³ Luke Nottage et al., "ASEAN consumer law harmonisation and cooperation: Achievements and challenges," (2019): 434.

⁸⁴ Nuruddeen, and Yusof, "A comparative analysis," 32.

4. Conclusion

This study finds that regional and international frameworks within Association of Southeast Asian Nations (ASEAN), particularly the ASEAN Agreement on E-Commerce and the AEC Blueprint 2025, have played a significant role in shaping Indonesia's consumer protection regime in cross-border e-commerce. These instruments promote legal harmonization, encourage regulatory convergence, and support cooperation mechanisms such as information sharing and dispute resolution. As a result, Indonesia has made notable progress in aligning its legal framework with regional standards, particularly through the Consumer Protection Law and the Electronic Information and Transactions framework.

However, the findings also reveal a persistent gap between normative alignment and practical enforcement. Key weaknesses include the dominance of standard-form contracts that disadvantage consumers, the absence of clear private international law rules on jurisdiction and applicable law, limited institutional capacity to handle cross-border disputes, and the underdevelopment of Online Dispute Resolution (ODR) systems. These challenges are further compounded by fragmented regulations and low levels of consumer awareness, which collectively reduce the effectiveness of existing legal protections.

Accordingly, several implications and recommendations emerge. First, Indonesia should develop clearer and more comprehensive private international law provisions to address jurisdictional and enforcement uncertainties in cross-border disputes. Second, strengthening institutional capacity, both technically and procedurally, is essential to ensure effective enforcement. Third, the expansion and formal integration of ODR mechanisms, including potential linkage with ASEAN-level platforms, should be prioritized. Finally, enhancing consumer digital literacy and ensuring regulatory coherence across sectors are critical to transforming formal legal protections into meaningful and enforceable rights in the digital marketplace.

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