

Why Do the EU and Singapore Protect E-Commerce Consumers Better Than Indonesia?

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ABSTRACT: This study addresses the pressing research problem of how Indonesia's existing legal enforcement framework fails to protect consumers from irresponsible e-commerce practices, in contrast with more advanced jurisdictions such as Singapore and the European Union. The primary objective of the research is to examine and compare the enforcement models employed in Indonesia, Singapore, and the EU, with a view to identifying strengths and gaps that may inform reforms in Indonesia's legal system. Using normative legal research, employing both comparative legal and statutory approaches, the study relies on secondary legal materials and regulations from all three jurisdictions, and analyses them through descriptive qualitative methods underpinned by Progressive Legal Theory. The findings show the EU's leadership in data protection enforcement through strong turnover-based sanctions, independent supervisory bodies, cross-border dispute resolution, and rigorous due diligence. Singapore demonstrates moderate effectiveness through accessible consumer forums, robust PDPC enforcement, and compliance tools such as CaseTrust, though its scope remains limited. Indonesia lags behind, hindered by weak sanctions, fragmented oversight, underdeveloped dispute resolution mechanisms, and a lack of independent enforcement. These insights underscore the need for Indonesia to adopt systemic reforms, including turnover-based penalties, an independent data authority, integrated online dispute resolution, and coordinated regulatory frameworks, shifting from formalistic rules toward a progressive legal ecosystem that upholds consumer protection, accountability, and digital trust.

KEYWORDS: Comparative Law; Consumer Protection; E-Commerce Regulation; Legal Enforcement; Progressive Legal Theory.



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HOW TO CITE:

Elfa, et.al., “*Why Do the EU and Singapore Protect E-Commerce Consumers Better Than Indonesia?*” (2025) 5:2 *Jurnal Kajian Pembaruan Hukum* 237-276. DOI: <<https://doi.org/10.19184/jkph.v5i2.53695>>.

Submitted: 14/08/2025 Reviewed: 01/09/2025 Revised: 18/10/2025 Accepted: 27/11/2025

I. INTRODUCTION

The rapid advancement of technology toward an increasingly digital era has catalysed transformative changes across various facets of human life—none more so than in the domain of commerce. This transformation is marked by a significant shift from conventional transactions to digital-based e-commerce systems.¹ E-commerce, as a contemporary model of commercial exchange, enables business-to-consumer transactions without the necessity of physical interaction, facilitated instead through digital platforms.² In Indonesia, local platforms such as Tokopedia, Bukalapak, and Blibli have become integral to the national e-commerce infrastructure, while international players such as Taobao, Amazon, and Alibaba have broadened market reach and global connectivity.³

The appeal of e-commerce lies in its ease of access, time flexibility, and interactive features that allow real-time engagement between businesses and consumers without physical contact. Additionally, integrated logistics

¹ Zumhur Alamin et al, “Perkembangan E-Commerce: Analisis Dominasi Shopee sebagai Primadona Marketplacedi Indonesia” (2023) 6 *Jurnal Ekonomi Syari’ah*; Ronnie Das et al, “Towards The Development Of An Explainable E-Commerce Fake Review Index: An Attribute Analytics Approach” (2024) 317:2 *European Journal of Operational Research*; Michał Orzoł & Katarzyna Szopik-Depczyńska, “Development Trends In E-commerce Sector” (2023) 225 *Computer Science*.

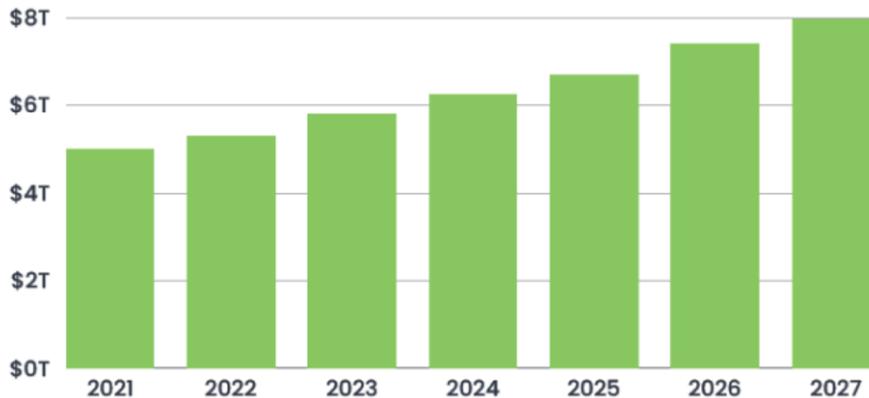
² Shenti Agustini, “Juridical Analysis Of Credit Agreements With Shopee Paylater” (2023) 9 *Jutisi*; Novieka Wahyu Putri Rusdaryanti, Wiwin Priana Primandana & Wiryia Wardaya, “Analisis Pengaruh E-Commerce, Pengguna Internet, Dan Investasi Terhadap Pertumbuhan Ekonomi Di Indonesia” (2024) 7 *Journal of Economic, Business and Accounting*.

³ Andres Dharma Nurhalim, “Analisis Pergeseran Perilaku Konsumen Dalam Niat Beli Di Sektor Otomotif E-Commerce Indonesia” (2021) 9 *Jurnal Bina Manajemen*; Dyah Ochtorina Susanti, “The Electronic Market (Marketplace) On Electronic Trade (E-Commerce) In Indonesia” (2022) 7 *Jurnal Notaril*.

systems enhance transaction efficiency and adaptability to consumer demands.⁴

Figure 1. Global E-commerce Retail Sales Growth

Source: (Backlinko Team, 2025).⁵



The global growth trajectory of e-commerce retail sales is undeniably staggering. According to Backlinko, the total value of global e-commerce retail sales is projected to reach USD 6.68 trillion in 2025, USD 7.41 trillion in 2026, and USD 7.96 trillion in 2027. This surge illustrates the intensifying digital transformation of the commercial sector. However, this accelerated growth has also unveiled a range of legal challenges, including product misrepresentation and fraud. These malpractices highlight the prevalence of irresponsible business conduct within the e-commerce ecosystem.⁶

As a constitutional state that upholds the welfare of its people, in accordance with the Preamble of the 1945 Constitution of the Republic of

⁴ Yuki Oyama et al, “Do people really want fast and precisely scheduled delivery? E-commerce customers’ valuations of home delivery timing” (2024) 78 *Journal of Retailing and Consumer Services*; Albérico Rosário & Ricardo Raimundo, “Consumer Marketing Strategy and E-Commerce in the Last Decade: A Literature Review” (2021) 16 *Journal of Theoretical and Applied Electronic Commerce Research*.

⁵ Backlinko Team, “36 Up-To-Date Ecommerce Statistics” (2025), online: *Backlinko* <<https://backlinko.com/ecommerce-stats>>.

⁶ Ony Thoyib Hadi Wijaya, “E-Commerce: Perkembangan, Tren, dan Peraturan Perundang-Undangan” (2023) 16 *Jurnal Ilmiah Ekonomi Dan Bisnis*; Sri Yulianingsih & Rengga Kusuma Putra, “Analisis Yuridis tentang Perlindungan Konsumen pada E-Commerce di Indonesia: Pendekatan Yuridis-Normatif” (2024) 2 *HAKIM Jurnal Ilmu Hukum Dan Sosial*.

Indonesia, the Indonesian government has made concerted efforts to strengthen the legal accountability of e-commerce actors. These efforts are reflected in several legal instruments, such as the enactment of Law No. 8 of 1999 on Consumer Protection (Consumer Protection Law); Government Regulation No. 80 of 2019 on Electronic Commerce (PP PMSE); Minister of Trade Regulation No. 50 of 2020 and its successor, Regulation No. 31 of 2023.

Nevertheless, these existing legal frameworks have proven insufficient in addressing the multifaceted challenges arising from e-commerce practices.⁷ According to data released by the Directorate General of Consumer Protection and Trade Compliance (*Ditjen PKTM*), the first half of 2022 saw 3,692 consumer complaints, with an alarming 86.1%, or 3,181 complaints, originating from the e-commerce sector. This overwhelming volume of complaints signals a critical enforcement gap that the current legal system struggles to bridge. It reflects the persistent discrepancy between *das Sein* (the reality) and *das Sollen* (the ideal) in Indonesian law enforcement. Therefore, the urgency of establishing a more robust, adaptive, and comprehensive legal enforcement regime in the realm of e-commerce is indisputable.⁸

Previous scholarly work has addressed parallel issues. For example, Hasan et al. (2024) argue that national legislation provides a strong legal foundation; however, practical enforcement is fraught with operational challenges.⁹ Hauliani (2022) highlights the lack of ethical standards and good faith among business actors as a contributor to breaches of consumer rights.¹⁰ Poernomo (2023) further points out the low levels of legal awareness among both businesses and consumers, which undermines

⁷ Abdurrahman Mazli, “Urgensi Pembaharuan Undang-Undang Perlindungan Konsumen Indonesia Di Era E-Commerce” (2021) 6 *Lex Renaissance*.

⁸ Immanuel Christian Pontorondo, Misael Aldo Walangitan & Bervie Fransel Rondonuwu, “Perlindungan Hukum Terhadap Data Privasi Konsumen E-Commerce Yang Menjadi Korban Kejahatan Siber” (2025) 5 *Jurnal Ilmiah Multidisiplin Indonesia*.

⁹ Zainudin Hasan et al, “Perlindungan Konsumen Dalam Transaksi E-commerce Dari Perspektif Hukum Dan Perilaku ekonomi” (2024) 10 *Neraca Manajemen, Ekonomi*.

¹⁰ Cleopatra Martina Hauliani, “Faktor-Faktor Yang Menjadi Penyebab Timbulnya Wanprestasi Dalam Transaksi E-commerce” (2022) 10 *Jurnal Privat Law*.

compliance.¹¹ Wibowo & Sebyar (2024) emphasise the role of law enforcement in ensuring effective consumer protection within e-commerce.¹² Meanwhile, Pramono & Kurniati (2023) critically assess the performance of the Consumer Dispute Settlement Agency (BPSK), whose legitimate normative function as an extrajudicial forum for dispute resolution is undermined by low public awareness and engagement.¹³

While these studies have enriched the discourse on consumer protection, their focus remains largely on normative, ethical, institutional, or awareness-related barriers to implementation. Few, if any, have offered a detailed, comparative legal analysis of enforcement mechanisms against non-compliant e-commerce business actors across jurisdictions. This research seeks to fill that gap by offering a comparative study of legal enforcement mechanisms in Indonesia, Singapore, and the European Union in addressing e-commerce violations. Singapore is selected due to its high welfare indicators and global leadership in digital readiness, as evidenced by its top ranking in the Global Digital Competitiveness Index.¹⁴ Meanwhile, the European Union is chosen for its pioneering role in shaping adaptive legal instruments and digital policy frameworks.¹⁵

This study contributes academically by presenting a comprehensive analysis of enforcement models against irresponsible e-commerce business practices across multiple legal systems. In practice, it offers policy recommendations that can serve as strategic references for policymakers and legal authorities seeking to strengthen their responses to the evolving challenges of e-

¹¹ Sri Lestari Poernomo, "Analisis Kepatuhan Regulasi Perlindungan Konsumen dalam E-Commercedi Indonesia" (2023) 6 *Unes Law Review*.

¹² Heri Wibowo & Muhamad Hasan Sebyar, "Application Of The Consumer Protection Law In Electronic Transactions" (2024) 3 *Indonesian Journal of Applied and Industrial Sciences (ESA)*.

¹³ Satrio Budi Pramono & Grasia Kurniati, "Perlindungan Hukum Konsumen Dalam Transaksi Jual Beli Barang Online di Indonesia" (2023) 1 *Journal of Law Education and Business*.

¹⁴ Nurdin, "Kesejahteraan Sosial dalam Perspektif Demokrasi dan Otoritarian: Analisis Perbandingan Inggris dan Singapura" (2023) 4 *Journal of Politics and Democracy Studies (JPDS)*; Dian Sudiantini et al, "Transformasi Digital : Dampak, Tantangan, Dan Peluang Untuk Pertumbuhan Ekonomi Digital" (2023) 1 *Jurnal Ekonomi, Akuntansi dan Manajemen*.

¹⁵ Aifang Ma, "Digital legislation: convergence or divergence of models? A comparative look at the European Union, China and the United States" (2024) *Schuman Paper*.

commerce. However, this research is confined to the legal enforcement dimension and focuses solely on Indonesia, Singapore, and the European Union. Matters beyond the legal scope, non-e-commerce sectors, or jurisdictions outside these regions will not be addressed in depth.

II. METHODS

This study adopts a normative legal research methodology, which positions law as a set of norms that govern societal conduct. A defining feature of this method is its reliance on comparative legal analysis, which aligns directly with the research objective, to examine and analyse legal enforcement models against irresponsible e-commerce business actors in Indonesia, Singapore, and the European Union.¹⁶ To achieve this, the study combines a comparative approach with a statutory approach, serving as the analytical framework. Data collection was conducted through library research, drawing upon secondary legal materials that are already compiled and available.¹⁷ The legal sources analysed include several Indonesian regulations, such as Law No. 8 of 1999 on Consumer Protection (Consumer Protection Law); Government Regulation No. 80 of 2019 on Electronic Commerce (PP PMSE); Minister of Trade Regulation No. 50 of 2020 and its successor, Regulation No. 31 of 2023; Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution; Law No. 27 of 2022 on Personal Data Protection. From Singapore, the study refers to the Consumer Protection (Fair Trading) Act (CPFTA), the Personal Data Protection Act (PDPA), and the Small Claims Tribunals Act 1984. At the European level, key legal instruments include the Digital Services Act (DSA), the Omnibus Directive 2019/2161, the Consumer Rights Directive, Regulation (EU) No. 524/2013, and the General Data Protection Regulation (GDPR). These sources were analysed using a descriptive qualitative technique that emphasises normative meaning and

¹⁶ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies" (2022) 24:2 *Journal of Judicial Review* 289.

¹⁷ David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum" (2021) 8 *Nusantara: Jurnal Ilmu Pengetahuan Sosial*.

legal interpretation rather than statistical measurement, allowing for a deep contextual understanding of regulatory realities.

To critically analyse the enforcement challenges surrounding irresponsible e-commerce actors, this study employs Progressive Legal Theory as its main analytical tool. Developed by Professor Satjipto Rahardjo, this theory argues that law exists to serve humanity and the needs of society, not to impose rigid structures upon it. From this perspective, law is not a static or formalistic entity, but rather a living and responsive instrument that must evolve alongside social and technological change. The selection of this theory is particularly pertinent given the persistent gap between *das Sein* (reality) and *das Sollen* (ideal norm), especially in the enforcement of consumer protection within e-commerce. While existing regulations provide a legal framework, they have yet to fully capture or resolve the complex realities of digital commerce. Progressive law thus offers a compelling alternative by emphasising substantive justice, legal adaptability, and contextual responsiveness, making it a foundational approach in building a fair, forward-looking legal enforcement system for today's digital economy.

III. COMPARATIVE REALITIES IN THE ENFORCEMENT OF E-COMMERCE REGULATIONS ACROSS INDONESIA, SINGAPORE, AND THE EUROPEAN UNION

The development of e-commerce in Indonesia began in 1999, marked by the emergence of *Kaskus*, an online forum pioneered by Andrew Darwis, which served as a community-based digital transaction platform. Shortly thereafter, *Bhinneka.com* established itself as one of the country's earliest formal e-commerce platforms.¹⁸ The growth of e-commerce accelerated dramatically during the COVID-19 pandemic, when physical restrictions compelled consumers to shift towards digital commerce.¹⁹ While the rise of e-commerce has yielded significant benefits in terms of trade efficiency and digital economic expansion, empirical realities reveal a troubling pattern of

¹⁸ Dedon Dianta, "Urgensi Penegakan Hukum E-Commerce di Indonesia: Sebuah Tinjauan Yuridis" (2023) 3 Arus Jurnal Sosial dan Humaniora (AJSH).

¹⁹ Wijaya, *supra* note 6.

abuse by unscrupulous business actors. Incidents such as product misrepresentation, delivery discrepancies, and outright fraud highlight the urgent need for stronger legal enforcement against irresponsible e-commerce practices.²⁰

In Indonesia, the e-commerce landscape continues to be plagued by serious accountability issues. A prominent example is the proliferation of *fake sales*, where sellers manipulate digital marketplace algorithms through deceptive practices such as self-purchased sales, bulk order-and-refund schemes, and coordinated fake orders to artificially inflate product ratings and market credibility. These tactics distort market transparency and undermine fair competition.²¹ Furthermore, the Tokopedia data breach in May 2020—affecting over 15 million user records, with an additional 91 million entries reportedly sold on the dark web—exposed significant vulnerabilities in Indonesia’s personal data protection infrastructure.²² Academic analyses have underscored that this incident reflects a structural fragility in digital data protection, which remains insufficiently addressed by the current legal regime.²³ Simultaneously, the exponential growth of e-commerce has not been matched by adequate consumer protection frameworks. Indonesian consumers continue to suffer from misleading product information, fraud, non-conforming goods, and weak data security guarantees.²⁴

²⁰ Yuyut Prayuti, “Dinamika Perlindungan Hukum Konsumen Di Era Digital: Analisis Hukum Terhadap Praktik E-commerce Dan Perlindungan Data Konsumen Di Indonesia” (2024) 5 *Jurnal Interpretasi Hukum*; Bonaraja Purba et al, “Transformasi Hukum E-Commerce Di Indonesia: Analisis Dan Solusi Permasalahan” (2023) 6 *Jurnal Sosial Humaniora Sigli (JSH)*.

²¹ Francisca Suryawijaya, “Unmasking ‘Fake Sales’: A Hidden Challenge In Indonesia’s E-Commerce Market” (2025), online: *Cube* <<https://cube.asia/fake-sales-indonesia/>>.

²² BKPSDM Kabupaten Demak, “Bahaya! Kebocoran Data Tokopedia Sentuh 91 Juta” (2020), online: *BKPSDM Kabupaten Demak* <<https://bkpsdm.demakkab.go.id/2020/07/bahaya-kebocoran-data-tokopedia-sentuh.html>>.

²³ Wisnu Uriawan et al, “Digital Forensics for Vulnerability Personal Data on E-Commerce Platform (Case Study: Tokopedia Customer Data)” (2024) *Preprints.org*.

²⁴ Safrida Safrida, “Dynamics of Consumer Protection Law in the Digital Era: Case Study on E-commerce in Indonesia” (2025) 6 *International Journal of Education Research & Social Sciences*.

The situation in Singapore, although supported by a stricter regulatory environment, is not without its own set of challenges. In 2023, a fraud case involving a scammer impersonating a Shopee employee resulted in losses exceeding S\$750,000.²⁵ The following year, another S\$399,000 was lost in 179 reported cases where users made payments outside of official applications.²⁶ These incidents demonstrate that even robust platforms with advanced security features remain vulnerable to digital exploitation. Similarly, the European Union is grappling with complex challenges. In 2024, *AliExpress* was found to have committed a systemic failure by allowing the circulation of counterfeit and dangerous children's toys, underscoring the fact that even global giants are not immune to consumer protection failures.²⁷

In terms of positive law, a comparative overview of Indonesia, Singapore, and the European Union reveals divergent approaches to e-commerce consumer protection. In Indonesia, Government Regulation No. 80 of 2019 on Trade Through Electronic Systems (PP PMSE) enshrines fundamental obligations of e-commerce businesses as *lex specialis*. These obligations include ensuring the accuracy of information, aligning advertisements with actual product conditions, guaranteeing the fitness and legality of goods and services, and providing assurances regarding quality, price, and accessibility. These are codified in Article 13 of the PP PMSE. However, enforcement under this regulation is limited to administrative sanctions, without the imposition of fines. Article 80 outlines a tiered sanction system ranging from written warnings (up to three times), priority surveillance listings, blacklisting, temporary service blocking (both domestic

²⁵ Yasmin Begum, "More than S\$750,000 lost to scammers pretending to be Shopee employees" (2023), online: *CNA* <<https://www.channelnewsasia.com/singapore/more-s750000-lost-scammers-pretending-be-shopee-employees-3506901>>.

²⁶ Daniel Lai, "Shopee customers lost \$399,000 in 2024 after making payments outside app to scammers" (2025), online: *The Straits Times* <<https://www.straitstimes.com/singapore/shopee-customers-lost-399000-to-scammers-in-2024>>.

²⁷ Jennifer Rankin, "This article is more than 2 months old EU accuses China's AliExpress of 'systemic failure' over illegal goods" (2025), online: *Support the Guardian* <https://www.theguardian.com/business/2025/jun/18/eu-accuses-china-aliexpress-of-systemic-failure-illegal-goods?utm_source=chatgpt.com>.

and foreign), and business license revocation. While these measures are both preventive and repressive, their lack of monetary penalties weakens deterrent effect. As Denisa et al. (2023) argue, the accountability mechanisms for e-commerce actors in the PP PMSE remain insufficiently stringent and legally underdeveloped. The absence of financial penalties provides a loophole for business actors to evade responsibility, undermining regulatory force and enforcement credibility.²⁸

This shortcoming extends to derivative regulations such as Minister of Trade Regulation No. 50 of 2020, which was later replaced by Regulation No. 31 of 2023. Both maintain a heavy reliance on administrative sanctions (Articles 50–64), without incorporating fines or monetary penalties, thereby limiting their deterrent capacity. In effect, these regulatory instruments, while normatively sound, fall short in delivering substantive accountability and fail to keep pace with the rapid evolution and complexity of the e-commerce ecosystem.

In contrast to Indonesia, Singapore enforces consumer protection through the Consumer Protection (Fair Trading) Act (CPFTA), administered by the Competition and Consumer Commission of Singapore (CCCS). The CPFTA incorporates a mechanism known as the Voluntary Compliance Agreement (VCA), which allows CCCS to require business entities suspected of unfair practices to enter into a written agreement outlining remedial actions. These may include consumer compensation, case-related expenses, and public disclosure of the agreement terms, as stipulated in Section 8 of the CPFTA. Additionally, CCCS is empowered to seek injunction orders from the courts against non-compliant entities, thereby enhancing the deterrent effect of the regulation.²⁹ Singapore also implements robust data protection standards under the Personal Data Protection Act (PDPA), which authorises financial penalties of up to S\$1 million or 10% of the organisation's annual turnover for violations.

²⁸ Adinda Putri Denisa, Muhamad Amirulloh & Helitha Novianty Muchtar, "Sertifikat Keandalan Privasi Sebagai Salah Satu Bentuk Perlindungan Konsumen Di Bidang Informasi Dan Transaksi Elektronik" (2023) 12 *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*.

²⁹ David Krause, "The Rise of Online Scams and Consumer Protections: A Comparative Analysis of the U.S. and Singapore" (2025) SSRN.

Sanction severity is determined by factors such as the degree of harm and the nature of the breach.

Meanwhile, the European Union, through the Digital Services Act (DSA), establishes a more integrated legal regime emphasising transparency, accountability, and consumer accessibility within digital ecosystems. Platforms are obligated to provide mechanisms for reporting illegal content, disclose content moderation practices, and offer non-litigation dispute resolution systems.³⁰ To ensure compliance, Article 52(3) DSA imposes administrative fines of up to 6% of a platform's global annual turnover. Complementary regulations such as the Omnibus Directive 2019/2161 and the Consumer Rights Directive enhance cross-border legal harmonisation by mandating effective, proportionate, and dissuasive sanctions. Notably, Article 13(3) of Directive 2019/2161 establishes a minimum fine of 4% of annual turnover or EUR 2 million, where the turnover is indeterminate, applicable to both individual and group business entities.

A second key element in comparative enforcement is the due diligence obligations of platforms and merchant traceability. Due diligence in consumer law demands active responsibility from both governments and platform providers to thoroughly monitor transaction processes in order to mitigate consumer risks.³¹ In Indonesia, this obligation is codified in the PP PMSE, particularly: Article 7, which mandates certain foreign e-commerce providers (PPMSE) to appoint a local representative; Article 15, which requires business registration through the OSS system; and Article 25(1), which obliges transaction data retention for at least 10 years. These provisions demonstrate Indonesia's legal effort to establish a system that ensures merchant traceability, platform accountability, and consumer protection.

However, significant challenges emerge in implementation. For instance, Minister of Trade Regulation No. 31 of 2023 (Permendag 31/2023)

³⁰ Muhammad Nidhal et al, "Menelusuri Ulasan Online di Indonesia: Dampak pada Platform UGC dan Konsumen" (2024) Center for Indonesian Policy Studies.

³¹ Yuyut Prayuti, "Implikasi Risiko Transaksi Digital Terhadap Pengaduan Konsumen di Sektor E-Commerce: Tinjauan Strategi Nasional Perlindungan Konsumen 2024" (2024) 4 INNOVATIVE: Journal Of Social Science Research.

introduces ambiguity regarding due diligence enforcement. Intended to ensure that transactions occur only on registered and supervised platforms (Mahatma, 2025), the regulation prohibits social commerce transactions under Article 21(2)-(3), and Article 13(3)(a) forbids interconnection between social media systems and e-commerce systems. Despite these measures, enforcement remains weak. The continued operation of TikTok Shop exemplifies significant legal uncertainty, especially for MSMEs and PPMSEs.³² The platform's backend integration with Tokopedia allows transactions to be technically routed through Tokopedia, while users still access the services via TikTok. This formal compliance circumvents the substantive intent of the regulation—namely, to separate social media from e-commerce.³³ This highlights Indonesia's deficient enforcement capacity to bridge the gap between formal and substantive compliance.

Further, merchant verification requirements under Article 8 of Permendag 31/2023 obligate domestic PPMSEs to adopt the Indonesian Standard Industrial Classification (KBLI) for commercial digital platforms. Yet, practical implementation is hampered by inconsistent or unverifiable documentation, creating legal uncertainty. Research by Ponow et al. (2025) reveals that despite Shopee's adoption of seller verification and product inspection systems, manipulative practices persist through the use of fake identities and disguised sales strategies.³⁴ Hence, current due diligence mechanisms remain inadequate for ensuring full compliance.

In comparison, Singapore presents a more systematic model through the CaseTrust certification program, jointly developed by the Consumers Association of Singapore (CASE) and Consumer Net Singapore.³⁵ This

³² Satrio Bagus Hartyanto, Sinta Dewi Rosadi & Tasya Safiranita Ramli, "Perlindungan Hukum Terhadap Penyelenggara Social-Commerce Atas Larangan Transaksi Pada Platform Social-Commerce Berdasarkan Hukum Positif Indonesia" (2025) 3 Jurnal Pendidikan Indonesia.

³³ Diandra Ahsani Awalia & Muthia Sakti, "Juridical Implications of Implementing TikTok Shop as Social-Commerce in Indonesia" (2024) 8 Syiah Kuala Law Journal.

³⁴ Kerenia Syalomita Ponow, Herlyanty Y A Bawole & Grace H Tampongongoy, "Penegakan Hukum Terhadap Pelaku Usaha Yang Menjual Ponsel Ilegal Pada E-Commerce Shopee" (2025) 14.

³⁵ Mohamad Rivaldi Moha et al, "The Comparative Law Study: E-Commerce Regulation in Indonesia and Singapore" (2023) 16 Jurnal Legalitas.

certification functions not only as formal recognition but also as an incentive mechanism that encourages high compliance standards—covering commitment to fair trade codes, periodic audits, and active participation in dispute resolution systems.³⁶ Substantively, CaseTrust enhances consumer trust while improving merchant and platform accountability. Findings by Zuleika et al. (2025) affirm that programs like CaseTrust promote voluntary compliance and provide objective benchmarks for consumers in selecting credible service providers.³⁷ Through a transparent and auditable verification system, only those businesses meeting ethical and operational standards are allowed to operate within the digital ecosystem.

Meanwhile, the European Union, through the Digital Services Act (DSA), adopts a significantly more stringent and structured regulatory approach. Under Article 30 DSA, every business actor is required to disclose complete identity information, including name, address, phone number, email, identity documents or electronic verification, payment account details, business registration data, and a self-declaration of compliance with EU law. Platform providers are obligated to verify this information using reliable public databases or supporting documents, and to suspend services when the information is inaccurate or incomplete. Furthermore, the DSA mandates the appointment of Digital Services Coordinators (DSC) in each member state as regulatory authorities. These DSCs possess investigatory powers, monitoring capabilities, and enforcement tools—including sanctions—against violators.³⁸ The DSA also imposes additional obligations on Very Large Online Platforms (VLOPs), defined as digital platforms with over 45 million monthly active users in the EU—such as Amazon Store. These platforms must conduct risk assessments, undergo annual independent audits, implement mitigation measures against illegal

³⁶ Chairunnisa Yumna Risti & Ridha Wahyuni, “Consumers Protection Who Buy Products Through Instagram: A Comparative Study of Indonesia and Singapore” (2025) 19 *Krtha Bhayangkara*.

³⁷ Nadya Zuleika et al, “Consumer Protection Against Fake Testimonials In E-commerce Transactions” (2025) 1 *Jurnal Intelek dan Cendekiawan Nusantara*.

³⁸ Pieter Van Cleynebreugel & Pietro Mattiol, “Digital Services Coordinators and other competent authorities in the Digital Services Act: streamlined enforcement coordination lost?” (2023) *ORBI*; Andrej Savin, “The EU Digital Services Act: Towards a More Responsible Internet” (2021) *SSRN*.

or misleading content, and provide data access to regulators and independent researchers.³⁹

In Indonesia, consumer dispute resolution was initially facilitated through the Consumer Dispute Settlement Agency (BPSK), a forum intended to provide extrajudicial solutions via arbitration, mediation, or conciliation, as outlined in Article 49 of the Consumer Protection Law. However, the digital transaction landscape necessitates more adaptive mechanisms, particularly Online Dispute Resolution (ODR). Indonesia's legal framework indeed permits such implementation. Article 4(3) of Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution allows disputes to be resolved through digital communication channels—such as email or fax—provided that mutual consent and verifiable receipt records exist.⁴⁰ Additionally, Article 72(2) of the PP PMSE confirms that electronic dispute resolution mechanisms are legally permissible, provided they comply with relevant regulations. Thus, although there is no specific law governing ODR, Indonesia's legal architecture supports its development in principle.

In practice, however, these frameworks face substantive limitations. As Dinata et al. (2025) assert, BPSK decisions lack final and binding authority, as they remain subject to appeal in general courts, thus undermining legal certainty.⁴¹ Astari et al. (2020) further argue that ODR implementation in Indonesia is hindered by the absence of a clearly defined mechanism and ongoing debates regarding the evidentiary validity of

³⁹ Hulshof, "Navigating Europe's Digital Services Act: Challenges for Online Platforms" (2024) University Of Twente Student Theses, online: <<https://essay.utwente.nl/98815/>>; Martin Husovec, "The DSA's Scope Briefly Explained" (2023) SSRN; Dr Sally Broughton Micova & Dr Andrea Calef, "Feedback on draft EU Delegated Regulation Ares (2023) 3171302 on the Performance of Audits of Very Large Online Platforms and Very large Search Engines" (2023) Cent Compet Policy.

⁴⁰ Benediktus Akel A Terwarat, Dewi Astutty & Mochtar, "Penyelesaian Sengketa Bisnis Secara Elektronik Melalui Lembaga Arbitrase Di Indonesia" (2021) 2 Merdeka Law Journal.

⁴¹ Agus Prayudha Dinata, Khalimi & Marni Emmy Mustafa, "Kepastian Hukum Badan Penyelesaian Sengketa Konsumen (BPSK) dengan Cara Arbitrase" (2025) 3 Blantika: Multidisciplinary Journal.

digital records.⁴² These constraints indicate that Indonesia's current legal instruments fall short in meeting the public's demand for efficient and technologically adaptive dispute resolution.

By contrast, Singapore adopts a more progressive and adaptive approach through the Small Claims Tribunals (SCT) under the Small Claims Tribunals Act 1984. Designed to handle claims up to SGD 20,000, or SGD 30,000 with mutual consent, the SCT covers disputes involving defective goods, unsatisfactory services, and digital transactions—thereby addressing a wide spectrum of modern consumer grievances. The SCT's process is simplified, expedient, and cost-effective, with no legal representation required, allowing greater public access to justice.⁴³ Moreover, Singapore has systematically integrated ODR into its dispute resolution framework in line with evolving digital commerce trends. This integration is legitimised by the Singapore Convention on Mediation, which explicitly recognises that mediation agreements can be formed, validated, and enforced digitally.⁴⁴ This digital flexibility improves efficiency and enhances cross-border legal compliance, reflecting Singapore's commitment to building a consumer protection ecosystem that is adaptive, technology-driven, and centered on reliable access to justice.

The European Union, on the other hand, has taken even more advanced steps by developing a web-based ODR mechanism as a non-litigious consumer dispute resolution system. This model promotes both procedural efficiency and legal certainty, particularly for cross-border disputes resulting from global digital trade. Under Articles 5–7 of Regulation (EU) No. 524/2013, all digital platforms are mandated to provide free, public access to the ODR system. This obligation is not merely administrative but represents a transparent, accessible, and trustworthy legal channel that spares consumers from high litigation costs and complex procedures. The

⁴² Anak Agung Made Ayu Rai Lidya Astarti, I Nyoman Putu Budiarta & Ni Made Puspasutari Ujianti, "Pengawasan terhadap Transaksi Bisnis E-Commerce dalam Mewujudkan Perlindungan Konsumen" (2020) 1 Jurnal Konstruksi Hukum.

⁴³ Johan Ding Kar En, "Singapore's Informal Justice Experience: Evaluating The Practice Of The Small Claims Tribunals" (2024) SSRN.

⁴⁴ Nadja Marie Alexander & Shou Yu Chong, "Singapore Case Note: Enforceability of Settlement Agreements" (2019) SSRN.

effectiveness of this mechanism is evidenced by findings from Saputra et al. (2025), which report that EU-based ODR platforms resolve consumer disputes in an average of just 15 days.⁴⁵ This achievement underscores the fact that ODR is not merely an alternative mechanism but a responsive legal instrument for navigating the evolving dynamics of digital commerce. As such, the EU ODR model exemplifies how legal technology can be effectively integrated to enhance consumer access to justice, minimise the risks of prolonged disputes, and foster trust in cross-border e-commerce.

Lastly, in the area of personal data protection, Indonesia enacted Law No. 27 of 2022 on Personal Data Protection (PDP Law), intended to establish a legal foundation obligating e-commerce platforms to safeguard user data. This regulation was introduced to curb the frequent and damaging data breaches that have afflicted many digital platforms.⁴⁶ Nonetheless, the effectiveness of the PDP Law remains limited, primarily due to a lack of understanding among micro and small business actors regarding the principles of proper data management.⁴⁷ One of the critical shortcomings is the absence of an independent supervisory authority, which is essential for the law's enforcement. Although Articles 58–61 (Chapter IX) of the PDP Law outline the institutional framework for such an authority to be established by presidential regulation, as of now, the Indonesian government has not yet formalised the creation of this body.⁴⁸ Currently, the Ministry of Communication and Information Technology serves as the

⁴⁵ Ananda Fadil Rasya Saputra, Aqila Judyta Shafwa & Rohmatul Umam, “Analisis Efektivitas Penerapan Undang-Undang Perlindungan Konsumen (UUPK) Dalam Transaksi E-commerce Di Indonesia” (2025) 3 *Media Riset Bisnis Ekonomi Sains dan Terapan*.

⁴⁶ I Wayan Cenik Ardika, “Tinjauan Hukum terhadap Perlindungan Data Pribadi di Era Digital: Kasus Kebocoran Data Pengguna Layanan E-Commerce” (2025) 2 *Indonesian Journal of Law and Justice*.

⁴⁷ Alfajri Muhammad Chaniago, Mahmud Siregar & Joiverdia Arifiyanto, “Perlindungan Hukum Terhadap Data Pribadi Konsumen Dalam Transaksi E-Commerce Shopee” (2025) 8 *Journal of Science And Social Research*; Rahmad Adip Rizki Perdana, Abid Aulia Hilmi & Helfira Citra, “Tinjauan Hukum Perlindungan Konsumen terhadap Praktik Pengumpulan dan Penggunaan Data Pribadi oleh Pelaku Usaha” (2025) 1 *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*.

⁴⁸ Alvon Kurnia Palma & Wetria Fauzi, “Kelembagaan Pengawas Pelindungan Data Pribadi Dalam Prespektif Prinsip Iktikad Baik” (2024) 10 *Jurnal Hukum Dan Bisnis*.

interim regulatory body.⁴⁹ However, Dayang et al. (2025) emphasise that the absence of a dedicated, independent supervisory institution severely compromises enforcement. Without an empowered authority to monitor, sanction, or compel compliance from data controllers, the PDP Law lacks the force necessary to ensure substantive data protection.⁵⁰

In contrast to Indonesia, Singapore has developed a far more mature regulatory framework for personal data protection through the Personal Data Protection Act (PDPA). This legislation specifically regulates individual rights and corporate responsibilities in the handling of personal data. A key strength of the PDPA lies in the existence of the Personal Data Protection Commission (PDPC), established as the administrative and regulatory authority, as mandated in Article 5(2) of the PDPA. The PDPC plays a dual role: not only as a regulatory watchdog, but also as a facilitator that provides comprehensive guidelines, policies, and strategic direction to help companies and organisations comply with Singapore's data protection standards. Furthermore, the PDPC undertakes an educational role, delivering training programs, public outreach, and legal literacy campaigns to raise awareness among citizens regarding their privacy rights and obligations. These functions are complemented by preventive measures such as public advisories and rapid complaint resolution mechanisms.⁵¹

Empirical findings by Susanto et al. (2025) underscore that Singapore stands as Southeast Asia's best example of data protection governance, thanks to the establishment of a dedicated supervisory body like the PDPC. Three core elements define this success: first, Singapore has emerged as a leading digital hub in the region supported by strong regulations; second, the PDPC has shown prompt responsiveness in data breach incidents,

⁴⁹ Predderics Hockop Simanjuntak, "Perlindungan Hukum Terhadap Data Pribadi Pada Era Digital Di Indonesia: Studi Undang-Undang Perlindungan Data Pribadi Dan General Data Protection Regulation (GDPR)" (2024) 6 Jurnal Esensi Hukum.

⁵⁰ Silawati Dayang, Sandra Olivia Putri L & Ananda Kyara Putri K, "Urgensi Pembentukan Lembaga Pengawas dalam Pembaharuan Hukum Perlindungan Data Pribadi Menurut Undang-Undang PDP" (2025) 4 Journal of Academic Literature Review.

⁵¹ Giovanni Halbert, Shelvi Rusdiana & Rufinus Hotmaulana Hutauruk, "Urgensi Keberadaan Otoritas Pengawasan Independen Terhadap Harmonisasi Hukum Perlindungan Data Pribadi Di Indonesia" (2023) 9 Jurnal Hukum to-ra.

particularly in sensitive sectors such as healthcare; third, it is widely regarded as having the strictest data protection regime in the region.⁵² These conclusions are supported by Sylviana et al. (2024), who noted that as of February 20, 2023, the PDPC had already published 228 formal enforcement decisions.⁵³ Wiranata (2021) further argues that Singapore's data protection practices—especially institutional design—should be seen as a benchmark for Indonesia, particularly in the context of building an independent data supervisory authority.⁵⁴

Meanwhile, the European Union enforces a significantly more comprehensive data protection regime under the General Data Protection Regulation (GDPR).⁵⁵ The GDPR applies to all EU residents, whether within or outside EU territory, requiring businesses, public authorities, and organisations to uphold full transparency throughout all phases of data processing—from collection and usage to storage.⁵⁶ Beyond privacy protection, the GDPR affirms fundamental data rights, including access, control, and erasure.⁵⁷ For robust enforcement, Article 51 mandates the creation of independent supervisory authorities in each member state, tasked with monitoring compliance, safeguarding data subjects' rights, and sanctioning violations. Supervisory board members are required to be highly qualified, with proven experience and expertise in data protection, as

⁵² Bagus Kurniawan Susanto et al, “Analisis UU Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi dalam Perspektif Kepentingan Umum: Studi Banding dengan GDPR Uni Eropa, PDPA Singapore, dan DPA Filipina” (2025) 7 *Reslaj Religion Education Social Laa Roiba Journa*.

⁵³ Glory Sylviana et al, “Perlindungan Hukum Data Pengguna E-Wallet Atas Kebocoran Data yang Disalahgunakan Oleh Pinjaman Online” (2024) 3 *Journal Evidence Of Law*.

⁵⁴ Agung Wiranata, “Analogi Sistem Perlindungan Hak Atas Data Pribadi Antara Indonesia Dengan Singapura” (2021) 1 *Jurnal Ilmiah Mahasiswa Hukum*.

⁵⁵ Rebecca Janßen et al, “GDPR Anda The Lost Generation Of Innovation Apps” (2022) *National Bureau Of Economic Research*.

⁵⁶ Farhan et al, “Reformasi hukum perlindungan data pribadi korban pinjaman online (perbandingan Uni Eropa dan Malaysia)” (2022) 3 *Journal Of Community Engagement*; Syafira Agata Ramadhani, “Komparasi Pengaturan Perlindungan Data Pribadi Di Indonesia Dan Uni Eropa” (2022) 3 *Jurnal Hukum Lex Generalis*.

⁵⁷ Nguyen Truong et al, “Privacy preservation in federated learning: An insightful survey from the GDPR perspective” (2021) 110 *Computers & Security*; Dawen Zhang et al, “Right to be forgotten in the Era of large language models: implications, challenges, and solutions” (2024) *AI and Ethics*.

stipulated in Article 53, ensuring that appointments are not made arbitrarily or politically. This reflects the EU's commitment to a structured and professional oversight system, both nationally and at the supranational level. Panjaitan (2025) highlights the EU's layered supervisory mechanism, where national authorities maintain independence, while the European Data Protection Board (EDPB) operates autonomously and free from external interference—creating a model of robust regulatory coordination.⁵⁸

Fifth, the coordination between regulatory authorities and cross-border enforcement. Indonesia's regulatory environment still heavily relies on inter-ministerial coordination, particularly between the Ministry of Trade and the Ministry of Communication and Informatics. As Muhidin (2025) points out, institutional cooperation in Indonesia remains sectoral and fragmented, with disjointed databases and complaint mechanisms, resulting in overlapping enforcement and ineffective consumer dispute handling.⁵⁹ Normatively, this fragmentation of authority contributes to regulatory disharmony and uncertainty. Afifah (2024) warns that overlapping jurisdictions and legal gaps create opportunities for regulatory arbitrage, allowing irresponsible e-commerce actors to exploit inconsistencies in law enforcement.⁶⁰

Such issues become even more pronounced when addressing cross-border digital trade, as illustrated in Permendag No. 31/2023, which mandates a minimum Freight on Board (FOB) value of USD 100 (Article 19). As Nabilah et al. (2025) observe, this regulation disproportionately affects

⁵⁸ Mikhael Ferdinan Imanuel Panjaitan, "Urgensi Pembentukan Lembaga Independen Pelindungan Data Pribadi Sebagai Strategi Untuk Melindungi Hak Privasi Di Era Digital" (2025) 1 *The Journal of Indonesian Constitution and Administrative Law*.

⁵⁹ Muhidin Muhidin, "Strategi Perlindungan Konsumen Dalam Transaksi E-Commerce: Perlunya Reformasi Regulasi dan Edukasi Publik" (2025) 5 *Public Administration and Government Journal*.

⁶⁰ Nurul Afifah, "Tanggung Jawab Hukum Platform E-Commerce terhadap Keamanan Data Pribadi Pengguna: Analisis Berdasarkan UU PDP 2022" (2024) 2 *Jurnal Legalitas*.

consumers engaged in resale purchases, leading to structural imbalances in international transactions.⁶¹

Conversely, Singapore employs a more efficient e-commerce governance model through a combination of single-point enforcement architecture and international agreements. Domestically, the country designates the Competition and Consumer Commission of Singapore (CCCS) as the key agency overseeing both competition law and consumer protection. As stipulated in Section 9 of the CPFITA, the CCCS has the authority to issue cease-and-desist orders against unfair practices, allowing for prompt enforcement against deceptive conduct, false advertising, and digital fraud. Firdaus & Prastyanti (2025) note that Singapore's consumer protection system is aligned with international legal standards, making it suitable for cross-border dispute resolution.⁶² Moreover, international legal instruments like the EU-Singapore Digital Trade Deal further reinforce this enforcement model by regulating electronic signatures, data security, and business transparency in transnational transactions.⁶³ These instruments empower Singapore to hold foreign e-commerce actors accountable for misconduct that harms domestic consumers.

Meanwhile, the European Union has architected a multi-level regulatory framework through the Digital Services Act (DSA), explicitly addressing both cross-border and inter-agency dimensions. The DSA distinguishes between Very Large Online Platforms (VLOPs) and smaller platforms (non-VLOPs).⁶⁴ Under Article 56(2) DSA, the European Commission, rather than individual member states, directly supervises VLOPs. The Commission holds full authority to conduct investigations, impose legal obligations, and levy financial sanctions enforceable across all EU member states. In contrast, smaller platforms fall under the jurisdiction of national authorities, specifically the Digital Services Coordinators (DSCs), as

⁶¹ Deva Nabilah et al, "Analisis Kesesuaian Cross-Border dalam Permendag No.31 Tahun 2023 terhadap Teori Ekonomi Keynesian sebagai Pendukung SDGs dan Maqāṣid Asy-Syarīah" (2025) 8 Pagaruyuang Law Journal.

⁶² Anita Firdausi & Rina Arum Prastyanti, "Legal Approaches to Cross-Border E-Commerce Consumer Protection in Indonesia, Singapore, and China" (2025) 3 Sinergi International Journal of Law.

⁶³ Reuters, "EU and Singapore agree digital trade deal" (2025), online: *Reuters*.

⁶⁴ Husovec, *supra* note 39.

mandated in Article 49 DSA. This structure exemplifies multi-tiered enforcement, where regulatory integration is retained at the EU level, while implementation adapts to local capacities and jurisdictions. The architecture effectively blends cross-border governance with national autonomy, establishing the European Commission as the chief regulator for digital giants, and DSCs as local enforcement bodies for non-VLOP actors.

Table 1. Comparative Regulatory Framework for Legal Enforcement Against E-Commerce Business Actors in Indonesia, Singapore, and the European Union

(Source: Author's analysis)

Aspect	Indonesia	Singapore	European Union
Sanctions Enforcement	Sanctions are limited to administrative measures (Article 80, PP PMSE).	Financial penalties of up to S\$1 million or 10% of global annual turnover are prescribed (Section 48J, PDPA).	Financial penalties of up to 6% of global annual turnover are imposed (Article 52(3), DSA).
Platform Due Diligence & Merchant Traceability	Due diligence obligations are regulated (Article 8, Permendag 31/2023); however, existing instruments remain insufficient to	A CaseTrust certification program is implemented to promote high compliance standards ⁶⁶ .	Businesses are required to provide complete identity information; platforms must verify submitted data and suspend services if inaccuracies are found (Article 30,

⁶⁶ Risti & Wahyuni, *supra* note 36.

	ensure full business compliance ⁶⁵ .		DSA).
Consumer Dispute Resolution Mechanisms	Disputes may be resolved through BPSK (Article 49, Consumer Protection Law); however, there is no specific regulation governing ODR ⁶⁷ .	Consumers may file claims via Small Claims Tribunals (SCT) (Small Claims Tribunals Act 1984); ODR mechanisms are adopted, legitimised through the Singapore Convention on Mediation ⁶⁸ .	Disputes may be resolved via ODR mechanisms (Articles 5–7, Regulation (EU) No 524/2013).
Personal Data Protection	Law No. 27 of 2022 on Personal Data Protection supervisory authority has been established to enforce the law ⁶⁹ .	PDPA is in force, and compliance is overseen by the Personal Data Protection Commission (PDPC) (Article 5(2), PDPA).	GDPR is in effect, and requiring each Member State to establish one or more independent supervisory authorities (Article 51, GDPR).

⁶⁵ Ponow, Bawole & Tampongangoy, *supra* note 34.

⁶⁷ Astari, Budiarta & Ujianti, *supra* note 42.

⁶⁸ Alexander & Chong, *supra* note 44.

⁶⁹ Muhamad Adri Rinjani & Ricky Firmansyah, “Hambatan Implementasi UU 27/2022 dan Strategi Penguatan Perlindungan Data Pribadi di Indonesia” (2025) 8 Jurnal Analisis Hukum.

Inter-Agency & Cross-Border Coordination	Coordination is hindered by overlapping authority ⁷⁰ and regulatory imbalance, such as the minimum FOB pricing rule ⁷¹ .	The Competition and Consumer Commission of Singapore (CCCS) serves as the central authority for both competition and consumer protection enforcement (Section 9, CPFTA); cross-border coordination is supported by the EU–Singapore Digital Trade Deal ⁷² .	Cross-border and inter-agency coordination is institutionalised through the DSA: the European Commission directly supervises VLOPs (Article 56(2), DSA), while DSCs oversee non-VLOP platforms at the national level (Article 49, DSA).
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When comparing the regulatory regimes governing e-commerce across the three jurisdictions, it becomes evident that the European Union stands as the most advanced and comprehensive system. This distinction arises from the robust legal architecture embodied in the Digital Services Act (DSA) and the General Data Protection Regulation (GDPR)—both of which reflect a regime characterised by a strong enforcement mechanism. The DSA empowers regulators to impose administrative fines of up to 6% of global annual turnover, a provision that serves as a potent deterrent for non-compliant platforms and merchants alike. Furthermore, the DSA mandates stringent due diligence obligations, compelling platforms to conduct full identity verification prior to granting access to sellers. This ensures merchant traceability and accountability.

⁷⁰ Muhidin, *supra* note 59.

⁷¹ Nabilah et al, *supra* note 61.

⁷² Reuters, *supra* note 63.

In addition, the mandatory implementation of Online Dispute Resolution (ODR) mechanisms and the requirement for each member state to establish independent supervisory authorities for personal data protection highlight the EU's systematic, cross-border, and technologically responsive governance framework. Together, these features elevate the EU's regulatory regime as the global gold standard for digital consumer protection and e-commerce enforcement. This position is corroborated by the findings of Subagyono et al. (2025), who emphasise that the European Union has long served as a pioneer in shaping consumer-focused regulatory models both domestically and across borders.⁷³

Singapore, by contrast, occupies a middle-tier position. While the city-state possesses strong legal instruments, their scale and scope are not yet as expansive as those in the EU. Through the Personal Data Protection Act (PDPA)—enforced by the Personal Data Protection Commission (PDPC)—Singapore has successfully implemented an efficient oversight mechanism. Administrative sanctions, including fines of up to S\$1 million or 10% of annual turnover, clearly demonstrate a regulatory orientation grounded in deterrence.

Moreover, innovative programs such as CaseTrust have enhanced consumer confidence by encouraging high compliance standards among businesses. Dispute resolution mechanisms are likewise accessible, particularly through the Small Claims Tribunals (SCT). Notably, the PDPA—enacted in 2012—was inspired by the GDPR, reflecting Singapore's commitment to legal harmonisation and best practices in data protection.⁷⁴ Nevertheless, Singapore's system remains national in scale, and while effective, its jurisdictional reach and institutional breadth are still relatively limited. Therefore, Singapore appropriately falls within the intermediate category of regulatory maturity.

⁷³ Bambang Sugeng Ariadi Subagyono et al, "In the Context of Consumer Protection Law, E-Commerce and Its Settlement: Lesson From Indonesia, Malaysia, and European Union" (2025) 5 *Journal of Posthumanism*.

⁷⁴ Data Protection Excellence Network, "Why the GDPR matters for ASEAN" (2022), online: *Data Protection Excellence Network* <<https://www.dpexnetwork.org/articles/why-gdpr-matters-asean>>.

Indonesia, on the other hand, must be frankly categorised as lagging behind. Its e-commerce regulatory framework remains fragmented, lacking both structural coherence and robust enforcement mechanisms, particularly in the face of increasingly transnational digital commerce. Several critical weaknesses underpin this position: 1) Government Regulation No. 80/2019 (PP PMSE) imposes only tiered administrative sanctions, which fail to generate a meaningful deterrent effect; 2) Existing due diligence mechanisms are weak, failing to guarantee compliance among e-commerce businesses; 3) Consumer dispute resolution remains confined to BPSK with no specific legal framework for ODR implementation; 4) The absence of an independent supervisory authority in the field of personal data protection severely undermines regulatory enforcement; and 5) Poor inter-agency and cross-border coordination results in legal ambiguities—particularly regarding enforcement against foreign digital actors.

Considering these deficiencies, it is evident that Indonesia lacks the legal infrastructure and institutional capacity to hold digital business actors accountable or to adequately protect consumer rights in the digital economy. In summary, the European Union emerges as the global role model, offering the most rigorous and integrated regulatory framework. Singapore occupies a middle-ground, characterised by nationally effective—but jurisdictionally limited—mechanisms. In stark contrast, Indonesia remains behind, hindered by weak enforcement, institutional fragmentation, and insufficient oversight within its e-commerce regulatory regime.

IV. URGENCY OF STRUCTURAL LEGAL REFORM: TOWARD A TRANSFORMATIVE ENFORCEMENT PARADIGM IN INDONESIA'S E-COMMERCE REGULATION

The weaknesses in Indonesia's regulation and enforcement of e-commerce actors, as previously outlined, underscore an urgent need for a stronger legal paradigm—one that is systematic, comprehensive, and durable. These challenges are not merely doctrinal, but institutional: oversight mechanisms remain weak, sectors operate in silos, and coordination both among authorities and across national borders is deeply inadequate. This lack of

coherence has created legal grey areas, especially when foreign digital businesses operate across jurisdictions, leaving local consumers exposed to significant risks without reliable recourse. To remedy these structural deficiencies, legal reform must go beyond technical regulatory adjustments. It must be integral—ensuring clear legal certainty, robust enforcement, and uncompromising accountability for all participants in the e-commerce ecosystem.

One critical reform concerns sanctions. The tiered administrative penalties under Government Regulation No. 80/2019 (PP PMSE)—ranging from written warnings and temporary suspension to revocation of business licenses—fail to deter large and well-resourced actors who can absorb such non-monetary penalties with minimal disruption. What is needed instead is the implementation of turnover-based administrative fines. As Sihombing & Resen (2024) emphasise, sanctions must be stringent enough to generate a credible deterrent effect.⁷⁵ A regime in which penalties scale with a business's turnover will impose proportionately greater burdens on larger firms while remaining fair to smaller enterprises. Interestingly, Indonesia has entertained this idea before: the proposed revision of Law No. 5/1999 on Unfair Competition at one point included fines up to 20% of turnover—a mechanism recognised as more likely to deter serious violations.⁷⁶ Such a model should be re-introduced and extended into e-commerce law.

A second vital area is due diligence. Current requirements, which depend largely on formal documentation with minimal oversight, can be easily manipulated through false identities and fake documents. This weak verification permits the entry and proliferation of illegal goods and enables deceptive practices that undermine consumer trust. Indonesia can look to Singapore's CaseTrust certification model: a mechanism that not only

⁷⁵ Rosianna Evanesa Sihombing & Made Gede Subha Karma Resen, "Perlindungan Konsumen dalam E-Commerce di Indonesia (Hambatan Penerapan Regulasi Antara Penerapan Dan Pengawasan)" (2024) 1 Jurnal Hukum, Pendidikan dan Sosial Humaniora.

⁷⁶ Muhammad Idris, "Denda Pelaku Kartel 30% dari Omzet, KPPU: Agar Ada Efek Jera" (2017), online: *detikFinance* <<https://finance.detik.com/berita-ekonomi-bisnis/d-3515702/denda-pelaku-kartel-30-dari-omzet-kppu-agar-ada-efek-jera>>.

serves regulatory purposes, but also creates incentives and trust. As Zuleika et al. (2025) note, such certification becomes a clear signal to consumers of credibility, and helps incite voluntary compliance.⁷⁷ Equally alarming are findings from Ishep (2025) and Subarkah et al. (2025), showing that fake seller identities and misuse of documentation remain widespread due to lax verification mechanisms.⁷⁸ Unless Indonesia strengthens due diligence through independent verification and constant monitoring, the digital marketplace will continue to be structurally vulnerable.

Third, consumer dispute resolution must evolve from formal, slow litigation to online dispute resolution (ODR) as a core feature of the legal landscape. ODR offers speed, accessibility, and cross-border reach—qualities essential in digital commerce. Studies such as Marlina et al. (2025) demonstrate that ODR not only saves time and cost, but also expands access to justice.⁷⁹ Fajri (2025) adds that in Southeast Asia, a large majority of e-commerce disputes have already found resolution through ODR, underscoring its effectiveness.⁸⁰ Yet Indonesia lacks specific legal foundations for ODR. Embedding ODR provisions within existing frameworks like UU AAPS would confer legitimacy, clarity, and enforceability without necessarily creating separate legislation.⁸¹

Fourth, the absence of an independent supervisory authority for personal data protection is a glaring gap. Though Indonesia's Law No. 27/2022 on Protection of Personal Data establishes legal obligations, its enforceability is undermined by the failure to establish an independent oversight body. This allows data controllers and processors to operate with impunity, weakening consumer trust, particularly in sectors such as financial

⁷⁷ Zuleika et al, *supra* note 37.

⁷⁸ Ishep, "Perlindungan Hukum Terhadap Konsumen Atas Peredaran Produk Palsu Di Pasar Digital" (2025) 1 Jurnal Kajian Hukum; Cici Subarkah et al, "Strategi Mengatasi Penipuan Online dalam E-Commerce pengguna Tiktok Shop" (2025) 15 Jurnal Administrasi Bisnis (JAB).

⁷⁹ Heni Marlina et al, "Perlindungan Hukum bagi Konsumen atas Overclaim Produk Skincare di Platform E-Commerce" (2025) 3 Marwah Hukum.

⁸⁰ Syamsul Fajri, "Entrepreneurial Opportunities In Online Dispute Resolution (ODR)" (2025) 1 Jurnal Hukum Dehasen.

⁸¹ Laelatus Syahna FA, Soesi Idayanti & Erwin Aditya Pratama, "Online Dispute Resolution Sebagai Solusi Sengketa E-Commerce" (2023) 1 Jurnal Bisnis Dan Manajemen.

technology, as Matheus & Gunadi (2024) warn.⁸² Research by Widjaja & Cesarianti (2024) further reinforces that repeated data breaches go insufficiently punished due to lack of oversight.⁸³ The formation of a professional, independent authority is not just an aspirational goal—it is imperative for accountability, transparency, and meaningful privacy protection.

Finally, strengthening coordination across authorities and borders is no longer optional—it is essential. The complex, dynamic, and cross-sectoral nature of e-commerce demands that ministries, regulatory bodies, law enforcement, consumer protection agencies, and data protection authorities work in tight synergy. Regulatory overlap, duplication or gaps tend to arise where coordination is weak, leading to ineffective regulation and consumer harm. Khumairok (2023) and Willem & Rajab (2024) both stress that inter-agency cooperation and data sharing are central to responsive and effective regulation. Without such coordination, even the best laws will be hollow.⁸⁴

Viewed through the lens of Satjipto Rahardjo's Progressive Legal Theory, the urgency of structural legal reform in Indonesia's e-commerce landscape reflects a deeper philosophical challenge: the need to liberate law from its rigid formalism and reposition it as an instrument of justice that actively responds to social realities. The current regulatory regime, which is fragmented, institutionally weak, and normatively stagnant, fails to reflect the spirit of living law envisioned by Rahardjo—a law that must “serve human needs” rather than remain a passive collection of procedural norms. The various gaps—from ineffective sanctions to poor cross-border

⁸² Juan Matheus & Ariawan Gunadi, “Pembentukan Lembaga Pengawas Perlindungan Data Pribadi Di Era Ekonomi Digital : Kajian Perbandingan Dengan KPPU” (2024) 10 *Jutisi*.

⁸³ Gunawan Widjaja & Fransiska Milenia Cesarianti, “Urgensi Pembentukan Lembaga Pengawas Pelindungan Data Pribadi Di Indonesia Berdasarkan Pasal 58 Juncto Pasal 59 Dan Pasal 60 Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi” (2024) 1 *Sinergi: Journal Riset Ilmiah*.

⁸⁴ Mar'atul Khumairok, “Regulasi Hukum Perbankan Dalam Menghadapi Tren Inovasi Fintech Dan Keberhasilan Industri Perbankan Di Era Society 5.0” (2023) 2 *Jurnal Multidisiplin Indonesia*; Resdianto Willem & Abdul Kadir Rajab, “Penerapan Regulasi E-commerce Terhadap Pelaku Usaha Di Indonesia” (2024) 3 *Lakidende Law Review*.

coordination—demonstrate that Indonesia’s legal infrastructure remains detached from the real-world struggles of digital consumers, who face deception, data abuse, and impunity with minimal legal protection. In this context, legal reform is not a matter of technical refinement, but a fundamental reorientation of legal consciousness—toward a law that embodies empathy, adaptability, and transformative purpose.

In embracing a progressive legal paradigm, Indonesia must no longer view law as a static doctrine but as a dynamic vehicle for social change. A reformed enforcement model should prioritise functional justice over formal compliance, ensuring that the rights of consumers are not merely stated, but protected through accessible, responsive, and equitable mechanisms. This includes the imposition of proportionate sanctions that reflect economic realities, the institutionalisation of trust-based regulatory tools like CaseTrust, and the formal recognition of online dispute resolution as a pillar of modern legal access. More importantly, the creation of an independent supervisory authority for data protection and the strengthening of inter-agency and cross-border coordination must be seen as structural commitments to justice, not administrative preferences. Progressive legal reform, therefore, is not simply about rewriting rules—it is about redefining the purpose of law itself, so that it becomes a living, breathing force for justice in Indonesia’s increasingly digital society.

VI. CONCLUSION

Based on a comparative analysis of enforcement regulatory frameworks in Indonesia, Singapore, and the European Union, a striking gap emerges in both the quality and effectiveness of legal regimes. The EU occupies the leading position—not merely due to the density of its normative regulations, but more importantly because of the severity of sanctions, as demonstrated in the implementation of the Digital Services Act and its comprehensive consumer-protection and data privacy laws. Its dispute resolution mechanisms are likewise exemplary: systematically structured, transparent, and capable of handling cross-jurisdictional claims, thereby offering high legal certainty to both consumers and business actors.

Singapore occupies a middle ground, with a more pragmatic and efficient approach. Its emphasis on consumer access through the Small Claims Tribunals and its cultivation of business accountability via the CaseTrust certification scheme deliver real consumer protections. Yet these protections remain limited in scope and scale when compared to the EU standard.

Meanwhile, Indonesian regulation is conspicuously lagging. The deficiencies are not only normative—sanctions that fail to deter—but also institutional: limited oversight capacity, suboptimal coordination across ministries, and inadequate dispute-resolution mechanisms. This state of affairs underscores the imperative for strategic reform: reforms that are systematic, comprehensive, and sustainable. Such reforms should include the rigorous enforcement of sanctions against irresponsible business actors, stronger platform due diligence and merchant traceability, broader access to higher quality consumer dispute resolution, the establishment of an independent supervisory authority for data protection, and improved coordination across domestic authorities and in cross-border contexts to close regulatory and enforcement gaps in the digital trade era. With these enhancements, Indonesia could cultivate an e-commerce ecosystem that delivers genuine legal protection for consumers, holds businesses accountable, and restores public confidence in digital transactions.

ACKNOWLEDGMENTS

The author(s) would like to express sincere gratitude to the anonymous editors and reviewers for their constructive and insightful feedback, which has significantly strengthened the quality of this work. Deep appreciation is also extended to previous researchers whose foundational studies have informed and enriched the present analysis. The author(s) further acknowledge the Faculty of Law and the Institute for Research and Community Service (LPPM) at Universitas Internasional Batam (UIB) for their valuable material and moral support throughout the research and publication process.

ARTIFICIAL INTELLIGENCE USE STATEMENT

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