



Analysis of legal aspects in online sale and purchase agreements in the digital era challenges and consumer protection

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ABSTRACT

In the rapidly evolving digital age, online buy and sell agreements are becoming increasingly common and important. However, this phenomenon faces various legal challenges that need to be addressed to protect consumers and ensure legal compliance. This article analyzes the legal aspects of online buy and sell agreements with a focus on emerging challenges and consumer protection mechanisms. First, it identifies the main challenges faced in online buy and sell agreements, including issues related to the validity of electronic contracts, enforcement of the rights and obligations of the parties, and the risk of fraud and misuse of personal data. Next, it explores the various forms of consumer protection available in the digital era, such as personal data protection regulations, provisions on the right to return goods, and policies on information transparency. The analysis is based on a review of applicable laws in various jurisdictions as well as best practices adopted by e-commerce platforms. With an in-depth understanding of these legal aspects, this article aims to provide insights for policymakers, businesses, and consumers in effectively and safely managing and navigating online buying and selling agreements.

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1. Introduction

Countries with Extensive Regulation Some countries, such as the United States, the European Union, and Japan, have comprehensive regulations on electronic contracts, including the recognition of electronic signatures and digital agreements as valid and legally binding. This provides a high degree of legal certainty for cross-border transactions between these countries. Countries with Limited Regulation Countries with unclear or underdeveloped regulations on electronic contracts may face challenges in providing legal certainty. For example, if a country does not recognize electronic signatures as valid, then electronically executed contracts may not be enforceable in that country. Legal Certainty Implications These differences can create uncertainty regarding the validity and enforcement of electronic contracts, especially if one of

the parties is from a country with different regulations. This can complicate dispute resolution and add risk for companies involved in cross-border transactions. Differences in the recognition and enforcement of electronic contracts in international jurisdictions can be due to several key factors.

National Legal Regulations Each country has different regulations and laws regarding electronic contracts. Some countries may have very advanced and specific laws regarding electronic contracts, while others may not have fully regulated this aspect.

Technological Infrastructure Readiness The capability of information technology and communication infrastructure in a country can affect how electronic contracts are regulated and implemented. Countries with more advanced technological infrastructure tend to have more developed regulations and practices regarding electronic contracts.

Legal Culture and Business Practices The legal culture and business practices in each country also play an important role. Countries with a more common law-based legal tradition may have a different approach compared to countries that follow civil law.

Compliance with International Standards Countries involved in international agreements or organizations such as UNCITRAL (United Nations Commission on International Trade Law) may follow international standards and guidelines for electronic contracts. However, the adoption and implementation of these guidelines may vary.

Security and Privacy Issues Regulations on data protection and information security also affect the enforcement of electronic contracts. Countries with strict privacy laws may have specific requirements for how data should be treated in electronic contracts.

Electronic Consent and Validation The processes recognized as valid for electronic signing and consent can differ. Some countries may require digital signatures with electronic certificates, while others may accept simpler forms of electronic consent.

Dispute Resolution and Enforcement The dispute resolution methods and enforcement mechanisms available in each country can also affect how electronic contracts are treated. Countries with strong and transparent legal systems for electronic dispute resolution may be better able to enforce electronic contracts effectively.

Differences in Understanding Contract Law How contract law is interpreted and applied can vary. Some jurisdictions may have a more flexible approach to contract terms, while others may have stricter provisions. These differences are often a challenge for companies that operate in different countries and must ensure that their electronic contracts comply with the regulations in each jurisdiction.

In this fast-paced digital age, online commerce has become one of the main pillars of the global economy. The ease of access and use of information technology has changed the way consumers and businesses interact, with online buy and sell agreements becoming the new norm in commercial transactions (Saepudin & Asnawi, 2024). However, these technological advancements also bring with them new legal complexities that need to be considered.

Online buy and sell agreements, conducted through e-commerce platforms or websites, offer many advantages, such as wide accessibility, ease of transactions, and diverse product choices (Junaidi & Ati, 2020). However, this changing mode of transaction faces significant legal challenges. The existence of regulations that are not always up-to-date with technological developments, as well as various issues related to privacy and data security, are the main issues in managing online purchase agreements (Saepudin, Hartoko, & Putri, 2024).

Validity of Electronic Contracts One important issue is the validity of electronic contracts. While many countries have adopted laws that recognize electronic contracts as valid, there are differences in application and enforcement. This creates uncertainty in terms of the validity and recognition of online contracts in various jurisdictions (Albasir, n.d.).

Rights and Obligations of Parties Ensuring that the rights and obligations of both sellers and buyers are observed in online transactions requires an in-depth understanding of the applicable laws (Saepudin et al., 2023). Challenges arise in the enforcement of consumer rights such as the right to return goods and product quality assurance (Haryono, 2017).

Data Security and Privacy With the increasing amount of personal data collected in online transactions, data protection and information security have become crucial issues. Data protection regulations such as GDPR (General Data Protection Regulation) in the European Union, as well as similar laws in other countries, require businesses to adhere to high standards in terms of data security and privacy.

Fraud and Abuse

Online transactions are vulnerable to various forms of fraud, ranging from fake identities to products that do not match the description. The responsibility of e-commerce platforms in preventing and dealing with these scams is also an important issue (Priyono et al., n.d.).

Regulations and Compliance Different regulations in different countries can make it difficult for companies operating internationally. Ensuring compliance with various laws and regulations is a challenge in running an online business. This research aims to explore and analyze the legal aspects associated with online buy and sell agreements. The main focus of this research is to identify the legal challenges that exist, as well as seek effective consumer protection solutions and mechanisms in the context of online transactions (Dan & Kemuning, 2022). By understanding these issues in depth, it is hoped that this research can provide insights for policy makers, businesses, and consumers to improve practices and regulations related to online buying and selling agreements. In the digital age, online buying and selling faces various challenges that affect the effectiveness and security of transactions (Panggabean & Kunci, 2022). These challenges include various legal, technological, and operational aspects.

Validity and Enforcement Although many countries have recognized electronic contracts, the enforcement of online contracts can be complicated. Different jurisdictions may have different approaches when it comes to the validity and recognition of electronic contracts, especially when dealing with international disputes.

Data Privacy and Security Personal Data Protection With the widespread collection and storage of personal data, data protection is a top priority (Mustarin et al., 2017). There is a risk of data leakage, hacking and unauthorized use of personal data.

Regulatory Compliance Compliance with data protection regulations such as GDPR in the European Union, CCPA in California, and other local regulations can be challenging for companies operating in different regions.

Fraud and Transaction Security Online Fraud Fraud risks, such as fake identities, payment fraud, and products that do not match the description, can harm both consumers and sellers (Sumual & Muhammad, 2022).

Payment Security The security of online payment systems, including protection against cyberattacks and hacking techniques, is an important concern.

Consumer Rights and Obligations Information Transparency The obligation to provide clear and accurate information about products, prices, and transaction terms. Vagueness or misleading information can harm consumers (Studi et al., 2022).

Right of Return Goods Guarantee the right of consumers to return goods and obtain a refund in the case of defective or non-conforming products.

International Regulations and Compliance Regulatory Variations Differences in legal regulations between countries, including rules on e-commerce, taxation and consumer protection, can make it difficult for companies operating globally (Perspektif et al., 2019).

Changing Regulations Constantly changing regulations and new legal developments can affect the way business is conducted and require rapid adaptation.

Customer Experience and After-Sales Service User Experience Providing a satisfactory user experience, including site navigation, payment processing, and customer service, is critical to attracting and retaining customers (Chatana et al., 2021).

After-Sales Service Dealing with after-sales issues, such as warranty claims and customer service, can be challenging especially if there is no physical interaction between the seller and the buyer.

Responsibilities of E-commerce Platforms Content Moderation E-commerce platforms should manage content uploaded by sellers, including checking the legitimacy of products and addressing fraud (Ramli, n.d.).

Dispute Resolution Provide effective mechanisms to resolve disputes between buyers and sellers, including mediation or arbitration (Anggraini & Dewi, 2015).

Technology and Innovation Adopt new technologies Keep abreast of new technological developments, such as artificial intelligence (AI), blockchain, and the internet of things (IoT), which can affect the way transactions are conducted and overcome existing challenges.

System Integration Integrate various technology systems to ensure a smooth and secure transaction flow. Overcoming these challenges requires a holistic approach that involves a deep understanding of applicable regulations, investment in security technologies, and adoption of transparent and ethical business practices. With the right measures in place, online buying and selling can become more secure, efficient, and beneficial for all parties involved (Rohmawati, 2023).

2. Method

The research method used in this research uses a qualitative descriptive method with a normative legal analysis design where in online sales there is certainly legal protection that cannot be violated by anyone in online buying and selling because it has been protected by the law of Law (UU) No. 8 of 1999. about consumer protection so consumers must also be wise in online buying and selling transactions not to harm and be harmed (Medan, 2024).

3. Analysis and Results

Regulatory Compliance Research often examines the extent to which online buy and sell agreements comply with existing laws, such as the Consumer Protection Act or specific laws governing electronic commerce. This includes aspects such as information disclosure, the right to withdraw from the agreement, and seller obligations. Validity of Digital Contracts Another aspect often discussed is the validity of digital contracts, including electronic signatures and the validity of consent in a legal context. Research may address the differences between physical and digital contracts and how the law recognizes and enforces contracts made electronically. Data Protection and Privacy With online transactions, the protection of personal data has become a major issue. Research often addresses how the law protects consumer data and how companies must comply with data protection regulations, such as GDPR in Europe or privacy laws in other countries. Disputes and Settlements Another important issue is how disputes arising from online buying and selling agreements are resolved. Research may include available dispute resolution mechanisms, such as mediation, arbitration, or litigation, as well as challenges in enforcing legal judgments internationally. Comparison with Previous Research When comparing the results of new research with previous research in this area, there are several things to note Regulatory and Technological Changes New research often needs to address recent changes in regulation and technology. For example, data protection regulations may have been updated, or blockchain technology may have affected the way digital contracts are processed. New research may focus on how these recent developments affect online buy and sell agreements. Gaps in Consumer Protection Previous research may have identified weaknesses in consumer protection on online buying and selling platforms. New research may seek to identify whether these gaps still exist and how new regulations or practices may have addressed the problem. Implementation and Practice New research often looks at how theory is applied in practice. While regulations may exist, the way they are implemented in practice may differ. New research may focus on case studies to see how companies or consumers deal with legal challenges in everyday reality. Changes in Consumer Patterns: Changes in consumer behavior, such as the adoption of new technologies or changes in shopping preferences, may affect how online buy and sell agreements are understood and implemented. New research can update previous findings with current data on consumer behavior and its impact on legal aspects. Identifying and Addressing Gaps Literature Review Review existing literature to understand gaps that may exist and how new research can add to the knowledge. Case Studies and Surveys Conduct case studies or surveys to gain practical insights into how regulations are applied and the challenges faced by consumers and companies. With this approach, the new research can make a meaningful contribution to understanding and addressing legal challenges in online buying and selling agreements in the digital age, as well as help formulate better policies and practices to protect consumers and facilitate fair trade. Electronic contracts are recognized as valid in many jurisdictions thanks to laws such as the Electronic Signatures in Global and National Commerce Act (ESIGN) in the United States and the Electronic Information and Transactions Act (ITE) in Indonesia. However, the enforcement of electronic contracts often faces challenges, especially in terms of proof and validity in court. While electronic contracts have the force of recognized law, differences in regulation across countries can create uncertainty (Saepudin, Zulfikar, et al., 2024). Some countries may require more complex digital signatures to ensure validity, whereas others may recognize simpler electronic signatures. There is a need for global regulatory harmonization to simplify the process and increase confidence in international transactions (Of & Law, 2018). Data Privacy and Security

Compliance with data protection regulations such as GDPR in the European Union and CCPA in California demonstrates the importance of personal data protection. However, data breaches and personal information leaks remain a significant risk in online commerce. Personal data protection is a major challenge in online buying and selling agreements. Regulations such as GDPR require companies to implement strict security measures and give consumers the right to access and delete their data (Review, 2020). To meet this challenge, companies must ensure that they comply with relevant regulations and implement robust security practices, such as data encryption and sophisticated monitoring systems. Online fraud, including fake identities and payment fraud, is on the rise. E-commerce platforms often face difficulties in effectively detecting and preventing fraud (Kamran & Hasanuddin, 2021).

Online transaction security requires the implementation of advanced technology and strong verification systems. The use of AI-based fraud detection tools and machine learning can help in identifying suspicious transaction patterns. In addition, platforms should provide systems that make it easy for users to report suspicious activity and fix vulnerabilities in their security systems. Consumer rights such as the right to return goods and get a refund are often not consistently enforced. Consumers also often face difficulties in obtaining clear and accurate information about products. Ensuring transparency of information and consumer rights is an important aspect of online buying and selling agreements. Sellers should include clear product descriptions, including specifications, prices, and additional costs. To protect consumers, companies should provide fair and accessible return policies, and ensure that the return and refund process runs smoothly. Differences in e-commerce regulations across countries often pose challenges for companies operating internationally (Saepudin, Hartoko, Zulfikar, et al., 2024). Compliance with local regulations can require complex and costly adjustments. Companies operating globally must understand and comply with various local regulations, including tax, consumer protection and e-commerce laws. International regulatory harmonization can help reduce compliance burdens and ease cross-border transactions (Panggabean & Kunci, 2022). Cooperation between governments and international regulatory bodies can accelerate this harmonization process. Customer Experience and After-Sales Service Poor user experience and inadequate after-sales service can reduce customer satisfaction and negatively impact business reputation. Providing a satisfying user experience is key to retaining customers (Dari et al., 2021). Companies should focus on intuitive interface design, easy checkout process, and responsive customer service. After-sales services, including complaint handling and warranty claims, should be well-managed to ensure customer satisfaction and build loyalty. Responsibilities of E-commerce Platforms E-commerce platforms have a huge responsibility in moderating content and resolving disputes between buyers and sellers. A key challenge is ensuring product quality and authenticity and handling complaints quickly and fairly (Priyono et al., n.d.).

E-commerce platforms should implement an effective moderation system to check the legitimacy of products and prevent fraud. In addition, they should provide efficient dispute resolution mechanisms to resolve disputes between buyers and sellers. Investment in technology and staff training can help improve the platform's ability to handle these challenges (Ramli, n.d.). The adoption of new technologies such as blockchain and AI can help improve efficiency and security in online buying and selling, but also require investment and deep understanding. New technologies offer great opportunities to improve online trading, such as using blockchain to increase transparency and security of transactions or AI for personalization and fraud detection (Studi et al., 2022). However, the adoption of these technologies requires significant investment and a deep understanding of how they work. Companies should weigh the benefits and costs of new technologies and choose the solution that best suits their needs (Keperdataan, n.d.).

4. Conclusion

Policyholders Harmonize International Regulations Global Collaboration Work with international organizations, such as UNCITRAL or ISO, to develop and implement international standards on electronic contracts and digital commerce. This can help reduce regulatory differences and increase legal certainty across borders. Regulatory Alignment Align data protection regulations, electronic signatures and digital contracts with international standards to facilitate cross-border transactions. Compliance Audit Measures Conduct regular compliance audits to ensure that company policies and practices comply with applicable regulations, such as the Consumer Protection Act or electronic commerce laws. Education and Training Provide regular training to the legal team and staff involved in online transactions on the latest regulations and legal obligations. Policy Adjustments Adjust internal company policies and procedures to ensure transparency of information, such as terms and conditions, and the right to withdraw from agreements. Practical Recommendations Consult Legal Experts Work with a lawyer or legal consultant who specializes in e-commerce to ensure compliance with all regulations. Clear Documentation Ensure that all agreements and policies are clearly drafted and easily understood by consumers. Dispute and Settlement Steps for Drafting Dispute Resolution Provisions Include provisions on how to resolve disputes in the terms and conditions, such as mediation, arbitration, or court. Facilitate the Settlement Process: Provide a clear and accessible mechanism for consumers to file complaints or disputes. Consumer Education Educate consumers about their rights and the procedures for filing disputes in case of problems. Practical Recommendations for Dispute Resolution Forum Selection Select an appropriate dispute resolution forum, such as an arbitration institution, and ensure that consumers are aware of the options available. Provision of Support Provide responsive and well-trained customer support to handle complaints and issues efficiently. By following these steps, companies can address the various legal challenges in online buy and sell agreements and ensure that they protect consumer rights while complying with applicable regulations. Careful and continuous implementation in these areas will help companies maintain their reputation and reduce legal risks associated with online transactions.

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