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A CRITICAL EXAMINATION ON CONSUMER PROTECTION IN ONLINE SHOPPING, DECEPTIVE ADVERTISING, AND LAWFUL PROTECTION

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ABSTRACT

Increasing consumer awareness, empowerment, and independence to defend themselves, as well as instilling a feeling of accountability in business actors to manage their operations, are the primary goals of consumer legal protection. Online shopping fraud by consumers is a frequent issue that coexists with other legal issues. In compliance with the conditions set forth by the Parties regarding the Sale of Goods, the Purchaser will pay the Vendor the Purchase Price for the Goods. However, mass-market products usually don't live up to customer expectations or the promised description. Customers and users need to be shielded from the various online scams that could be carried out. The goal of consumer protection, according to the Consumer Protection Act, is to give customers legal certainty, security for benefits, and fairness and safety when they use or consume goods or services.

INTRODUCTION

One definition of advertising is "a unit of work for introducing and selling products to mass media buyers." In the past, traditional media outlets including print, radio, television, film, and outdoor advertising have been used to spread advertising. To help with interactions between customers and businesses in a social network, new forms of marketing have evolved with the advent of digital infrastructures like the Internet. Customers are now more involved in conversations between retailers and customers than ever before because to this new medium and its evolution. As more people gain access to the Internet, online shopping is growing in popularity. However, one major issue that comes with online shopping is false or misleading advertising. There is no denying that the Internet is having a greater and bigger impact on consumer purchases. This is due to advertisements that appear to be one of the factors that attract consumers to a product¹. The

¹ Kuswanto, H., Hadi Pratama, W. B., & Ahmad, I. S.(2020). Survey data on students' online shopping behaviour: A focus on selected university students in Indonesia. Data in Brief, 29, 105073. <https://doi.org/10.1016/j.dib.2019.105073>

amount of inaccurate or misleading information and marketing that is available when making any kind of online purchase is one of the main issues. Online impersonation is simpler than offline impersonation, which makes it perfect for deceptive and unscrupulous strategies. In fact, with online advertising growing at an exponential rate and marketers having the capacity to alter the content of their ads at any time, there is fear that consumers may be exposed to a variety of potentially misleading promotions on the Internet. The novelty of online advertising and marketing restrictions presents the law with a number of challenges regarding the scope of consumer protection. This is because there are many challenges and murky legal areas involved in bringing consumer protection laws intended for more conventional types of advertising to the internet. Customers are advocating for tight legal restrictions on unethical behaviour, on the one hand. Providers and business owners, however, believed that a more compassionate approach was required, one that depended on voluntary codes of conduct. The connection between Indonesia's legal issues' complexity and economic growth as well as information technology advancements. The quick rate at which advances in information technology have resulted in socio-economic and cultural upheavals has given rise to new judicial procedures incorporating information technology. Information technology advancements have an impact on people's lives; one example is the ease of internet buying. Therefore, in order to safeguard the rights and obligations of all parties involved, it is essential that online business transactions comply with legal standards.

PROTECTING CONSUMER PRIVACY IN ELECTRONIC MERCHANCE

Customers are more vulnerable than sellers or companies while doing business online. Also referred to as customers' rights, these are particularly weak in online transactions due to the nature of e-commerce, particularly the fact that the buyer and seller never truly meet, which can result in a number of problems. Customers who make purchases online are protected legally by the Information Technology and Electronic Transactions Law and the Consumer Protection Law. The Consumer Protection Law was passed by the Indonesian government to protect consumers, while the ITE Law offers protection to internet shoppers.

SECURITY OF CLIENTS' PERSONAL INFORMATION

The right to privacy is the right of an individual, organization, or institution to exercise control over the dissemination of information about itself². Although they haven't been expressed much in Indonesia, privacy concerns definitely exist. Some countries, on the other hand, view privacy

² Makarim, E. (2005). Pengantar Hukum Telematika (Introduction to Law Telematics). Raja Grafindo Persada

as an essential human right. More than merely the freedom to keep one's business or personal concerns to oneself, privacy also refers to the capacity to control how one's personal information is shared with others, as well as the freedom from encroachment, autonomy, and solitude. When something goes wrong in the area of e-commerce, it's usually because someone misused information they had on members of their organisation or a business's clients.

ONLINE REGISTRATION

Shopping and marketplace websites usually require registration before allowing users to make purchases or access all of the site's features. Typically, a website's registration form requests the user's name, email address, physical address, city of residence, username, password, gender, date of birth, income, and employment. Some websites even request credit card information in order to complete a purchase. Users and visitors to the website won't be able to fully utilise all of its features if the aforementioned requirements aren't met. The problem is that customers and website visitors will not be able to fully utilise all of the site's features if the aforementioned requirements aren't met. Online companies can typically utilise the collected information for advertising purposes and on social media platforms to customise web application sites to the preferences of users. ITE law ought to mandate that e-commerce websites that collect consumer data reveal their data-gathering procedures. The definition and scope of personal data adopted by the ITE Law are protective and comprehensive, providing adequate legal protection for personal data. This allows individuals who have been harmed due to unlawful use of their data to file a lawsuit for damages. Any e-commerce website's privacy policy should cover the use of cookies, the details of personal data collected, and protection for extremely sensitive information like credit card numbers. Despite the fact that having a privacy statement on their homepage would show prospective customers and consumers that the website cares about protecting the privacy of their personal information, many e-commerce sites, like rakitan.com, indo-lcd.com, and others, neglect to do so.

CATEGORIES OF INTERNET PROMOTION

Thanks to the growth of online advertising, marketers may now quickly connect with millions of potential clients worldwide. Globally, the growth of online social media platforms has affected consumers' information search, selection, sharing, and evaluation processes as well as their assessment of ads. Social networks are better than any other website in customising their content to specific demographics because they have access to so much user data. Direct display ads on Facebook, Instagram, Twitter, YouTube, and other social media sites enable customers and potential customers to discuss the business in-depth with a corporate representative or with

friends. Reviews and testimonials posted by users on social media platforms are also a form of social media advertising because modern consumers frequently rely on the advice of other consumers. For instance, "online reviews are another form of consumer information that is playing an increasingly important role in both online and consumer markets, helping shape consumers' product knowledge and purchasing decisions. Marketers today use a wide variety of internet advertising strategies to get their products and services in front of consumers." One's ability to be persuaded to buy something depends in large part on how they understand an online advertisement. But because of the heightened competition, business owners are under greater pressure than ever to take decisive action, which has resulted in a rise in internet marketing that misleads and confuses customers.

SLIMMER APPROACHES TO STOP DECEPTIVE OR FALSE ADVERTISING

The main methods of soft intervention to prevent deceptive and misleading advertising are educating the public about known frauds, risks, and illegal schemes, and providing tools to help them change their online behaviour. Higher educated consumers are less likely to experience legal infractions. If such transactions can be prevented in the first place, then harsh rules are not necessary. The ultimate outcome is a decrease in consumer anxiety, time, and expenditure. The likelihood that consumers will fall for false and deceptive web advertising would decrease with an informed audience, but the issue would still exist. The underlying premise of this is that if these "businesses" couldn't make money through more traditional means, they would have to quit committing fraud. Though these gentle forms of intervention are not as conspicuous as rigid regulations, they are widely applied and may even prove to be more effective than strict guidelines when applied consistently. The public education and awareness campaign has proven to be 'very successful' in stopping other unethical corporate practices like fraud. The National Consumer Protection Agency (BPKN) has been educating the public about consumer protection and how to prevent falling victim to fraud since 2001. Most of its preventive measures were of software that average people might use at home to change the way they handled private information and spoke with others on the internet.(Wadi and others, 2023) The government collaborated with non-governmental organisations (NGOs) and commercial businesses; this strategy was adopted for subsequent campaigns due to its great success. The BPKN updates its consumer complaint statistics on a regular basis to let customers know about the newest scam tactics and the businesses that are behind them. Though more may be done to spread the information so that individuals use these tools before they need them, these efforts go a long way towards protecting online shoppers

from fraud. Another preventive measure that may benefit users in their online activities is the adoption of robust and up-to-date antivirus software, since this program can detect websites with dubious credentials.

INTENTIONAL DECEPTION

A false statement of fact made without malice or fraud and without the speaker's knowledge is referred to as an innocent misrepresentation. It could also come from information being withheld. Under common law, innocent misrepresentations frequently had no legal repercussions. The common law remedies of damages (for a breach of a guarantee) and termination and/or damages (for a violation of a condition) would apply if it could be demonstrated that the representation constituted a term of the contract. However, it is also possible to argue that the parties just misinterpreted some of the key provisions of the agreement. But in every other situation, recourse would need to be pursued through equity courts. This would give a customer the right to cancel the contract and seek equitable relief. Usually, this entails returning any purchases made online for our funds.

UNEQUAL DISTRIBUTION OF RISK

Unequal risk exposure when making purchases online, especially when making financial transactions. It is standard procedure for businesses to demand full payment (by bank transfer or credit card) prior to fulfilling an order from a client. It's dangerous because it could result in clients having to wait longer than they anticipated for their orders to arrive, receiving items that don't meet their expectations, or receiving goods that never reach them at all. Although the normal risk allocation provision is designed to shield businesses from careless clients, it may actually harm consumers by ensuring that their orders will only be executed when they have received full payment. Since "authentic" is defined as "trustworthy, genuine, or legitimate" by the Indonesian General Dictionary, the two adjectives can be used interchangeably. The validity of the laws controlling these transactions is seriously called into doubt by the legality of the agreements made in an online marketplace.

CONCLUSION

Cunningham and Grabosky's proposed smart regulation would use preventative measures, such as education and sanctions, in a more comprehensive manner. Under such an approach, there would be a wider base of control as opposed to a challenge to the state's formal regulatory authority. It has been suggested that through the employment of informal regulatory authority, businesses and

consumers may supply such grounds of control in the online consumer market. Malbon develops the "alliance approach," which is a tactic that Cunningham and Grabosky had alluded to. The secret to using this method successfully is to pinpoint the sources of influence that can be enlisted to further the objectives of public policy. Businesses who use dishonest and misleading tactics will always come out on top in any dispute resulting from their conduct. The explanation of the study's findings indicates that trade law enforcement and online transaction complaints in Indonesia have only been handled electronically.

