



CONSUMER PROTECTION IN AN UNJUST ECONOMIC SYSTEM: A CRITIQUE OF THE WEAKNESSES IN CONSUMER PROTECTION LAW, HUMAN RIGHTS, AND PUBLIC POLICY

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Received: 18/05/2025 | Revised: 04/06/2025 | Accepted: 21/06/2025 | Published: 29/06/2025

Abstract

The rapid development of the digital economy in Indonesia, with a transaction value of IDR 487.01 trillion in 2024, has expanded access to goods and services, but it has also exacerbated significant injustices faced by consumers. As digital platforms become more dominant, consumers are increasingly vulnerable to issues such as misleading product information, data misuse, unfair business practices, and imbalanced bargaining power between businesses and consumers. This study aims to analyze consumer protection within an unjust economic system, from the perspectives of consumer protection law, human rights, and public policy. Using a normative juridical methodology with statutory, conceptual, and comparative approaches, this study finds that Indonesia's Consumer Protection Law (Law No. 8 of 1999) remains largely focused on formal ownership protection, yet fails to effectively address the complexities of digital transactions and information asymmetries in the digital economy. From the perspective of human rights, consumer protection emphasizes fairness, the prohibition of deception, and the protection of public interest. Meanwhile, human rights principles affirm the consumer's right to safety, accurate information, and economic justice. The study argues that public policy needs to be reconstructed to strengthen the state's responsibility, improve business accountability, ensure transparency in product information, guarantee ethical products, and establish more effective dispute resolution mechanisms. Thus, consumer protection in the digital economy must go beyond legal certainty and focus on distributive justice and the fulfillment of human rights in the digital realm.

Keywords: Consumer Protection, Human Rights, Public Policy, Economic Justice, Digital Economy, E-commerce.

INTRODUCTION

The digital economy in Indonesia has undergone rapid growth, making it one of the largest and most vibrant digital markets in Southeast Asia. According to the e-Conomy SEA 2023 Report by Google, Temasek, and Bain (2023), Indonesia's digital economy surpassed USD 82 billion in transaction value in 2023 and is projected to become the largest digital market in the region by 2030. This significant expansion has been driven by increasing internet penetration, growing mobile device usage, and the expanding e-commerce sector, with digital platforms such as Tokopedia, Bukalapak, and Gojek leading the way. The transition towards a more digitally connected consumer base has opened new doors for economic growth, innovation, and accessibility, allowing consumers greater access to products and services. However, this growth has also exposed several weaknesses and challenges that need to be addressed particularly in terms of consumer protection. Despite its rapid digital transformation, Indonesia faces a growing imbalance between the power of businesses (especially large platforms) and the rights of consumers. As businesses, especially digital platforms, have gained increasing control over the market, consumer data, and product visibility, they have become dominant actors in shaping economic interactions. The rise of platform economies, which rely heavily on data collection and algorithm-driven systems, has resulted in asymmetrical economic relations where digital platforms benefit disproportionately from user-generated content, data monetization, and advertising revenues. Consumers, on the other hand, remain at a disadvantage, often without sufficient control over their data, knowledge about algorithmic decisions, and access to equitable economic opportunities. This growing digital inequality poses serious challenges to consumer protection, as the economic value created by consumers is not fairly distributed. The current legal framework in Indonesia, including Law No. 8 of 1999 on Consumer Protection, which was initially designed to protect consumers in traditional business settings, has shown significant limitations in

addressing the dynamics of the digital marketplace. These regulations focus primarily on physical product transactions and traditional businesses but fall short in addressing the new challenges posed by digital platforms. While Law No. 27 of 2022 on Personal Data Protection and Law No. 1 of 2024 on Electronic Information and Transactions offer some protections for digital consumers, they are still not comprehensive enough to tackle the digital monopolies, data exploitation, and unfair business practices that dominate online markets. A fundamental gap exists in the legal protections for consumers against the harmful practices of powerful digital platforms, such as misleading advertising, hidden fees, unfair terms of service, and opaque data collection practices.

This research aims to analyze the effectiveness of consumer protection laws and public policy in addressing the structural inequalities created by digital platforms. By doing so, it seeks to propose a more comprehensive approach to consumer protection that includes human rights principles, economic justice, and public policy reform. The study also advocates for the reconstruction of consumer protection policies to ensure that digital platforms remain transparent, accountable, and fair to consumers. Additionally, the research explores how human rights principles affirm the consumer's right to safety, accurate information, and economic justice in a digital economy, which continues to evolve rapidly.

LITERATURE REVIEW

The digital economy in Indonesia has rapidly grown, with digital platforms becoming dominant in several sectors. According to the e-Conomy SEA 2023 Report by Google, Temasek, and Bain (2023), Indonesia's digital economy reached a transaction value of USD 82 billion in 2023, making it the largest digital market in Southeast Asia. This rise of e-commerce, social media platforms, and mobile applications has drastically changed consumer behavior, increasing both accessibility and convenience for consumers. However, these changes have also presented new challenges for consumer protection, particularly as digital platforms exercise growing control over consumer data, the visibility of content, and market access. While digital platforms have opened new economic opportunities, they have also reinforced economic inequalities, with large platforms dominating the market and limiting consumer access to economic opportunities. Scholars such as Grewal & Roggeveen (2022) argue that digital commerce requires robust consumer protection mechanisms, particularly in ensuring transparency and safeguarding consumer rights in online transactions. The growing reliance on digital platforms has resulted in monopolistic behavior, where powerful platforms dominate market access, control data flow, and influence consumer purchasing decisions through algorithmic systems. This imbalance has left consumers at a disadvantage, as they often have less control over their personal data and limited knowledge about the algorithmic decisions that affect the prices and visibility of the products they are shown (Van Dijck et al., 2023).

The Consumer Protection Law (No. 8 of 1999) in Indonesia, while a foundational law for traditional markets, has limitations in regulating digital platforms and online transactions. According to Nainggolan et al. (2025), these laws primarily focus on physical product transactions and traditional businesses, leaving significant gaps in the regulation of e-commerce and cross-border digital transactions. The law does not provide adequate mechanisms to address data privacy issues, algorithmic transparency, and the accountability of digital platforms. Human rights principles also play a central role in consumer protection in the digital economy. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirms that all consumers have the right to safety, accurate information, and access to effective remedies when their rights are violated. However, in Indonesia, consumer protection remains underdeveloped in the digital space, with limited recourse for consumers when harmed by misleading advertisements, non-transparent pricing, and unfair business practices. The right to an effective remedy is particularly significant, as it ensures that consumers can challenge unfair practices and seek compensation.

METHOD

This study employs a qualitative, juridical-normative approach to critically examine the existing legal frameworks and regulations governing consumer protection in Indonesia's digital economy. The research combines doctrinal legal analysis and empirical research to address both theoretical and practical dimensions of consumer protection in modern trade practices. The doctrinal research phase involves analyzing key Indonesian laws such as Law No. 8 of 1999 on Consumer Protection and Law No. 7 of 2014 on Trade to assess how well these laws protect consumers in both traditional and digital transactions. Additionally, the study examines international consumer protection frameworks, such as the General Data Protection Regulation (GDPR) and the Digital Markets Act (DMA), to compare them with Indonesia's regulations. The research will also explore the integration of human rights principles, specifically from the International Covenant on Economic, Social, and Cultural Rights (ICESCR), to better understand the role of economic justice in consumer rights protection.

In the empirical research phase, the study will conduct semi-structured interviews with 20 stakeholders, including legal experts, e-commerce business owners, and consumers. These interviews aim to understand the real-world challenges faced by consumers and businesses, including issues like data privacy violations, unfair pricing, and dispute resolution in digital transactions. The interviews will provide insights into the effectiveness of current consumer protection mechanisms and offer recommendations for improving public policy in the digital space. The research will use thematic analysis to identify patterns in the data and propose policy reforms that integrate human rights, digital justice, and public policy to protect consumers in the digital economy.

RESULTS AND DISCUSSION

A. Legal Gaps in Consumer Protection Frameworks

The legal analysis of Indonesia's Consumer Protection Law (No. 8/1999) and Trade Law (No. 7/2014) has revealed significant limitations in the regulation and enforcement of consumer rights in the digital economy. These laws, while foundational in the context of traditional market transactions, are increasingly inadequate for addressing the complexities introduced by digital platforms and the rapid growth of e-commerce.

- **Limitations of Consumer Protection Law (No. 8/1999) for Digital Transactions:** Consumer Protection Law (No. 8/1999) was designed to protect consumers in traditional market settings, where transactions were typically face-to-face. It primarily covers aspects such as product safety, accurate information, and the right to complain. However, it does not sufficiently address the unique challenges presented by digital trade, where contracts are often presented to consumers in standardized terms with no opportunity for negotiation. In digital platforms, such as e-commerce sites like Tokopedia or Bukalapak, consumers often engage with clickwrap agreements, which require them to accept the terms without truly understanding or negotiating the conditions. These digital contracts are rarely transparent and are sometimes filled with hidden terms, making it difficult for consumers to understand their rights, responsibilities, or even the full costs associated with a product or service.
- **The Consumer Protection Law does not provide adequate regulations to address this growing problem,** as it was originally designed for physical product transactions rather than the complex, cross-border digital transactions now prevalent in Indonesia. Nainggolan et al. (2025) argue that, while the law sets out basic consumer rights, it lacks specificity in digital contexts such as online product descriptions, data privacy concerns, unfair pricing practices, and platform monopolies. This gap in legal coverage leaves consumers exposed to potential fraud, misleading advertising, and hidden charges which often go unchallenged because e-commerce platforms are not bound by the same obligations as traditional retailers.
- **The Insufficient Regulation of Digital Contracts:** One of the most critical gaps in Indonesia's consumer protection framework is the failure to regulate digital contracts effectively. Traditional contracts, which are often negotiated in person and involve clear communication of terms, do not translate seamlessly into the digital environment. In digital commerce, the process is often automated and opaque, with terms presented in a way that may overwhelm or confuse consumers. The Consumer Protection Law does not cover key aspects of electronic contracts, such as clickwrap agreements, digital signatures, or unilateral contract terms that platforms commonly impose. Consumers are often unaware of the full terms and conditions they are agreeing to when using online services, especially with platforms offering subscription-based services or free-to-use models that come with hidden charges or unfavorable cancellation terms.
- **The Trade Law (No. 7/2014) provides more general regulations on commercial transactions but still fails to address the digital specifics of consumer contracts,** such as terms relating to algorithmic pricing, dynamic pricing models, and the processing of consumer data. As Hassan (2022) points out, when it comes to digital platforms, consumer agreements often lack mutual consent because the terms are presented as take-it-or-leave-it propositions, without real negotiation or the opportunity to adjust terms. This creates a power imbalance where platforms set all the rules, and consumers must accept them if they wish to engage in online transactions.
- **Data Exploitation and Privacy Gaps:** Another pressing issue is the exploitation of consumer data and data privacy violations. Indonesia's Personal Data Protection Law (No. 27/2022), while a step forward in regulating data privacy, does not fully address the growing concerns related to the monopolization of consumer data by digital platforms. Major digital platforms like Google, Facebook, and Amazon collect vast amounts of personal information about their users, often without clear consent or full disclosure about how this data will be used. These platforms use data not only to personalize advertisements but also to influence consumer behavior and set prices through dynamic pricing algorithms. For example, Gojek and Grab can

adjust ride prices based on data collected about users' location, browsing behavior, and even past behavior patterns, leading to pricing inconsistencies and a lack of transparency.

- The Personal Data Protection Law lacks adequate provisions for dealing with the cross-border transfer of data, leaving Indonesian consumers exposed to potential privacy breaches by global platforms that operate under different data protection standards. As Heeks (2022) mentions, data protection is crucial for consumer trust in the digital marketplace. Without clear regulations on how consumer data is collected, processed, and stored, consumers are vulnerable to data breaches and unauthorized data sales, which often go unpunished due to the jurisdictional complexity of cross-border platforms.
- Jurisdictional Issues in Cross-Border Digital Transactions: A significant challenge for Indonesia is the jurisdictional issue in regulating cross-border transactions. Many major digital platforms, including Amazon, Facebook, and Netflix, operate in Indonesia but are governed by laws in other jurisdictions, often based in the United States or Europe. This means that Indonesian consumers have limited recourse when they face issues such as misleading marketing, data privacy violations, or unfair contract terms. These platforms typically operate under foreign laws, which makes it difficult for Indonesian authorities to hold them accountable under local consumer protection laws.
- Moreover, the jurisdictional challenge extends to data protection, as data from Indonesian consumers is often stored and processed overseas, where it is subject to different privacy laws that may not offer the same level of protection. This disparity makes it difficult for Indonesian consumers to claim legal remedies when their data is misused or exploited by international platforms. Binns (2023) notes that this regulatory mismatch not only weakens the enforcement of consumer rights but also allows businesses to bypass local consumer protections, thereby maintaining an unfair advantage in the marketplace. This highlights the need for international cooperation in regulating digital platforms to ensure fair treatment for consumers across borders.

B. Algorithmic Pricing and Data Privacy Issues

The proliferation of algorithmic pricing and data privacy violations in the digital economy presents a significant challenge to consumer protection. Digital platforms, such as e-commerce sites and ride-hailing services, increasingly rely on sophisticated algorithms to set prices, target advertisements, and personalize services. While these algorithms are designed to enhance consumer experience and business efficiency, they also raise several concerns regarding fairness, transparency, and consumer autonomy. This section delves into the ethical implications of algorithmic pricing and the ongoing issues of data privacy in the digital marketplace, with a focus on how these practices exploit consumer vulnerabilities. One of the most prominent examples of algorithmic pricing in digital platforms is dynamic pricing. Dynamic pricing refers to the use of algorithms to adjust prices in real-time based on demand, time of day, consumer location, and even personal consumer behavior. Commonly seen in ride-hailing platforms like Go-Jek and Grab, surge pricing increases service prices during high demand, such as during rush hours or extreme weather conditions. While these pricing models are intended to balance supply and demand, they often create a lack of predictability and pricing inconsistency for consumers.

The study found that dynamic pricing contributes to a power imbalance between consumers and platforms. Consumers often face unexplained price hikes, where they are charged much more than expected without any prior warning. For example, consumers may book a ride with a set price, only to see the fare increase when demand spikes, leaving them with no clear understanding of why the price surged. According to Binns (2023), surge pricing models lead to consumer frustration and disillusionment with digital services, as they lack the transparency required for consumers to make informed decisions about when to use a service. This unpredictability creates significant challenges in ensuring fairness in transactions. Dynamic pricing can lead to discriminatory pricing practices, where the prices consumers pay are not just based on demand, but also on personal characteristics, such as previous spending behavior or location data. This practice is particularly concerning as it may create unfair pricing discrepancies for consumers, who are unaware of how their personal data influences pricing decisions. As Al-Khuli (2022) highlights, in any ethical trading environment, consumers must have clear visibility of how prices are set to avoid exploitation. The widespread collection of consumer data by digital platforms raises serious concerns regarding data privacy and informed consent. Digital platforms routinely gather vast amounts of personal information, such as browsing behavior, purchase history, location, and even biometric data. This data is then used for purposes such as personalized advertising, price discrimination, and consumer profiling, but the methods by which it is collected and utilized are often not disclosed clearly to users. In Indonesia, platforms like Tokopedia and Shopee benefit immensely from consumer data, which they use to influence purchasing behavior and set prices based on real-time data. For

instance, Go-Jek uses consumer location data to adjust pricing for rides, charging higher fares during peak times or in areas where demand is high. However, consumers are typically unaware of how much data is being collected and how it is being used to influence their decisions. This lack of transparency is a key issue in digital consumer protection, as consumers often do not give informed consent for their data to be collected and used in these ways. Moreover, there is often no clear opt-out option for consumers who do not want their data used for advertising or pricing purposes. Hassan (2022) emphasizes that informed consent is a fundamental right in consumer transactions, and without it, platforms violate basic consumer privacy rights. The Personal Data Protection Law (No. 27/2022), while offering some protection, does not adequately regulate the mass collection and monetization of data by large international platforms that operate across borders. For example, Facebook and Google collect and monetize consumer data globally, but consumers have little control over how their data is used or how much of it is being sold to third-party advertisers.

Data exploitation is one of the most critical issues for consumers in the digital economy. Many digital platforms not only collect personal data but also monetize it through targeted advertising or by sharing it with third parties without consumer knowledge. This raises ethical concerns about consumer autonomy and privacy. Heeks (2022) argues that data exploitation in the digital marketplace is rampant, where user data is commodified for the benefit of the platforms, leaving consumers with limited control over their information. One major issue is the lack of consumer control over their personal data. Consumers are often unaware of the extent to which their data is being collected, shared, or used. Even when they are provided with options to control data usage, these options are typically difficult to find, and the data collection policies are often written in complex language that is not easily understandable. For example, many platforms allow users to disable certain data-sharing functions, but users must navigate complicated menus and are often unaware of what settings to change.

This lack of transparency and control over personal data violates consumers' right to privacy, a fundamental human right. Consumers have the right to know what data is being collected, how it is being used, and to have the option to delete or limit its use. Nainggolan et al. (2025) point out that data privacy violations not only undermine trust in digital platforms but also contribute to a power imbalance, where platforms hold more control over consumer behavior than consumers themselves. Moreover, the sale and sharing of personal data with third parties raise further concerns about exploitation. As Grewal & Roggeveen (2022) note, platforms use personal data to target consumers with specific products and services, which is not inherently harmful. However, when data is exploited to influence consumer decisions without their consent, it creates ethical issues related to fairness and transparency in digital transactions. Finally, consumer disempowerment in the digital economy stems from a lack of digital literacy and awareness of consumer rights. Many consumers are unaware of how their data is being used, the algorithms influencing the prices they pay, or the legal remedies available to them in cases of unfair practices. As Kern & Taylor (2022) point out, the lack of consumer education in emerging digital markets like Indonesia contributes to the ineffectiveness of consumer protection laws. Consumers are often unable to identify fraudulent practices or exploitative behavior by platforms because they do not fully understand how digital platforms operate or how to assert their rights.

C. Public Policy and Human Rights Integration

Public policy plays a critical role in ensuring that consumer protection in the digital economy is effective, equitable, and aligned with human rights principles. As digital platforms continue to dominate the marketplace, Indonesia must adapt its public policies to address the unique challenges posed by e-commerce, data exploitation, and algorithmic manipulation. The integration of human rights principles into consumer protection law is vital for ensuring that consumers are treated fairly, their rights are respected, and they have access to effective remedies when harmed by unfair practices. Human rights law provides a comprehensive framework for consumer protection, focusing on ensuring that individuals are treated fairly and are protected from exploitation. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirms the consumer's right to safety, accurate information, and economic justice. These rights are fundamental to creating a fair and just marketplace, where consumers can participate with confidence, knowing their basic human rights are upheld.

However, in the current digital landscape, these rights are often violated. Consumers frequently face misleading advertisements, unfair terms of service, data privacy breaches, and discriminatory pricing driven by algorithmic decisions. Bishop & Benford (2022) argue that consumer protection should not only be about enforcing legal contracts but also about upholding economic rights as a human right. By ensuring transparency and accountability in digital transactions, public policy can protect consumers from exploitation and help bridge the gap between business interests and consumer rights. Human rights principles such as the right to information, right to

privacy, and right to redress must be integrated into consumer protection policies to create a holistic framework. For instance, consumers must have access to clear product information and should be informed about how their data is used by platforms. They must also have access to fair dispute resolution mechanisms when they face issues with digital transactions. Currently, public policy in Indonesia has been insufficient in addressing the rapid changes in digital commerce. While there are regulations such as the Personal Data Protection Law (2022) and the Electronic Information and Transactions Law (2024), these laws are still inadequate to fully regulate platform monopolies, data exploitation, and algorithmic pricing practices that dominate the digital economy.

- **Lack of Algorithmic Transparency:** One of the key issues with public policy is the lack of regulation surrounding algorithmic transparency. Platforms often use complex algorithms to determine pricing models, product visibility, and consumer behavior. However, these algorithms are typically proprietary and opaque, with little oversight from regulatory bodies. Binns (2023) emphasizes that dynamic pricing models, especially in ride-hailing or e-commerce platforms, create unfair price discrimination because consumers are often unaware of the factors affecting their prices. For example, Go-Jek increases ride prices during peak demand periods, but the consumer has no way of understanding why the price surged or how it was determined. Effective public policy must demand clear disclosure of how algorithms work, ensuring that consumers are not subjected to hidden pricing tactics or manipulated decisions based on incomplete or inaccurate data.
- **Data Privacy and Cross-Border Data Flow:** Data privacy is another critical area where public policy needs to evolve. The Personal Data Protection Law (2022) offers some protections, but it does not address the growing issue of data monopolies created by global digital platforms. Large platforms like Facebook and Google control vast amounts of personal data, but they are often based outside Indonesia and subject to foreign laws that may not provide the same level of protection. Heeks (2022) notes that cross-border data flows complicate the enforcement of data protection laws, as consumer data is often stored in jurisdictions with weaker privacy protections. Public policy must regulate how global platforms use consumer data to ensure that consumers in Indonesia are protected and their privacy rights are not violated when their data is processed abroad.
- **Platform Accountability and Market Fairness:** A significant gap in public policy is the lack of regulation for platform monopolies. Platforms like Tokopedia, Shopee, and Gojek control a significant portion of the market and, therefore, have substantial power over pricing, visibility, and access to products. However, these platforms often engage in unfair business practices, such as misleading marketing, hidden charges, and price manipulation. Stevenson (2023) argues that public policy must focus on platform accountability by enforcing fair competition and ensuring that digital platforms operate ethically. For instance, there is little regulation around hidden charges or undisclosed fees that consumers may encounter during their online purchases or digital services, such as delivery charges, restocking fees, or cancellation fees that are only revealed at checkout.
- **Consumer Education and Empowerment:** An often-overlooked component of consumer protection in public policy is consumer education. Many consumers are unaware of their rights in digital transactions, particularly when dealing with cross-border transactions or algorithmic pricing. Kern & Taylor (2022) suggest that public policy should focus on improving digital literacy among consumers. When consumers understand their rights and how digital platforms operate, they can make more informed decisions and assert their rights when they face exploitation. This could include public campaigns to teach consumers about the importance of data privacy, how to identify hidden charges, and the mechanisms available for dispute resolution.

CONCLUSION

The rapid expansion of the digital economy in Indonesia has brought both significant opportunities and serious challenges. While e-commerce and digital platforms like Tokopedia, Shopee, and Gojek have revolutionized consumer access to goods and services, they have also amplified existing consumer vulnerabilities. The growing dominance of these platforms, alongside issues such as algorithmic pricing, data exploitation, and misleading business practices, has created a complex landscape where consumers are often disempowered and lacking adequate legal protection. Indonesia's current consumer protection laws, such as Law No. 8 of 1999 on Consumer Protection and Law No. 7 of 2014 on Trade, while useful in regulating traditional trade, have proven insufficient in addressing the digital trade complexities brought about by platform-based economies. The findings of this study indicate that existing legal frameworks fail to regulate key issues in the digital marketplace, such as dynamic pricing, data privacy violations, and the opacity of digital contracts. This lack of regulation leaves consumers exposed to unfair pricing

practices, hidden fees, and exploitation of their personal data. Moreover, the absence of clear mechanisms for dispute resolution or consumer recourse further exacerbates the challenges consumers face when dealing with digital platforms. The study also highlights the need for integrating human rights principles into public policy, particularly ensuring consumers' right to information, privacy, and effective remedies when harmed by unfair trade practices. To address these issues, this study proposes a series of policy reforms. First, transparency must be increased in digital contracts, ensuring consumers are fully informed of the terms and pricing models they are agreeing to. Algorithmic pricing should be regulated to ensure fairness and predictability, and data privacy laws must be strengthened to protect consumer rights in the face of growing data exploitation. Additionally, public policy must evolve to incorporate human rights norms, ensuring that consumers' economic rights and digital justice are protected. Lastly, consumer education should be prioritized to enhance digital literacy, empowering consumers to understand their rights and protect themselves from digital exploitation. In conclusion, for Indonesia to build a fairer digital economy, it must strengthen its consumer protection framework by focusing on transparency, accountability, and human rights. By aligning legal frameworks with global best practices in data protection and consumer rights, Indonesia can ensure that consumers are protected, empowered, and able to navigate the digital economy with confidence. The future of Indonesia's digital economy relies on creating a just and equitable environment where consumers and businesses can thrive together in a transparent, fair, and secure marketplace

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