



THE DEVELOPMENT OF E-COMMERCE AND DIGITAL TRANSACTIONS IN THE DYNAMICS OF CIVIL LAW AND PERSONAL DATA PROTECTION LAW

Faisal Afda'u.¹ Husnia Hilmi Wahyuni.²

Universitas 17 August 1945

Jl. Pawiyatan Luhur, Bendan Dhuwur, Semarang, Central Java. Indonesia

Email: Faisal-afda'u@untagsmg.ac.id

ABSTRACT

This research aims to identify and analyze the impact of the development of e-commerce and digital transactions on the regulation and implementation of civil law in Indonesia, and to assess the extent to which personal data protection law provides legal certainty and protection for consumers in e-commerce transactions. The research method used is normative juridical with statutory and conceptual approaches. The analysis focuses on the legal norms surrounding e-commerce and digital transactions from the perspectives of civil law and personal data protection, utilizing primary legal sources in the form of updated legislation and secondary sources such as literature and legal journals. The results indicate that the evolution of e-commerce has brought fundamental changes to Indonesian civil law. The Indonesian Civil Code (KUHPer), which originally only regulated physical transactions, is now supplemented by specific regulations such as Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Act) and Law Number 27 of 2022 concerning Personal Data Protection (PDP Act). These regulations recognize the legal validity of electronic documents, signatures, and evidence. Civil law has adapted to address issues of digital evidence, digital contracts, cross-border jurisdiction, and alternative online dispute resolution. Consumer protection has also been strengthened through requirements for transparency and data security. This transformation provides legal certainty while supporting a secure digital economic ecosystem.

Keywords: Personal_Data. E-Commerce. Civil_Law. Digital_Transactions

1. Introduction

The development of information technology has significantly driven the growth of e-commerce in Indonesia. The digitalization of trade has shifted transaction patterns from conventional systems to more efficient electronic transactions. This phenomenon opens great opportunities for increased economic activity while introducing new legal challenges. The use of the internet as the primary transaction medium demands adequate legal protection

¹ **Submission:** 23 November 2025 | **Review-1:** 25 December 2025 | **Publish:** 23 January 2026

for the parties involved, especially within civil relationships. The situation becomes even more complex because digital transactions often involve consumer personal data that must be kept confidential to prevent misuse.²

The growth of e-commerce has consequences for the civil law system, especially regarding the validity of electronic agreements. Contractual relationships in e-commerce involve not only two parties but also digital platform providers as third parties. This raises questions about the legal standing of the parties in the event of a dispute. Law Number 11 of 2008 on Electronic Information and Transactions and its amendments through Law Number 19 of 2016 in conjunction with Law Number 1 of 2024 have recognized electronic documents as valid evidence, but in practice, many legal issues remain unresolved.

Personal data protection has become a central issue in digital transactions. Consumers' personal information is often collected, stored, and processed by service providers without explicit consent. The risk of data breaches has serious impacts, including fraud, identity theft, and misuse of information for commercial purposes. The government has issued Law Number 27 of 2022 on Personal Data Protection to provide legal certainty. However, the implementation of this law still faces challenges, particularly in supervision and law enforcement involving cross-border parties.

Digital transactions in e-commerce also raise issues of legal liability. Questions arise about who is responsible if consumers suffer losses due to system failure, fraud, or privacy violations. Indonesian civil law adheres to the principle of liability based on unlawful acts as stipulated in Article 1365 of the Civil Code. Yet, technological developments present new complexities that require more progressive legal interpretation. This situation calls for

² Ajiputera, Muhammad Taufik, dan Heru Susetyo, "Implementasi Pengaturan Hak Untuk Dilupakan Melalui Sistem Penghapusan Data Pribadi Dan/Atau Dokumen Elektronik Menurut Perspektif Hukum Positif Di Indonesia", *Unes Law Review*, Vol. 6, No. 3, 2024, hlm. 5

harmonization of regulations between civil law and personal data protection law in the context of digital transactions.³

The dynamics of e-commerce indicate the need for regulations that are adaptive to technological developments. Rigid regulations may lead to legal stagnation in the face of rapid changes in the digital world. Civil law must be able to accommodate modern transaction needs without neglecting the principles of justice, certainty, and usefulness. Integration with personal data protection law is crucial, given that data is a primary asset in digital transactions. Therefore, regulatory reforms aligned with international practices are essential to prepare Indonesia for the challenges of global digital trade.

Legal literature suggests that e-commerce creates a new form of contract based on electronic systems. According to contract theory, a valid contract is determined by agreement between parties, capacity, a specific object, and a lawful cause. In the digital context, standard clauses used in online transactions often create an imbalance in bargaining power between consumers and business actors. This calls for regulations that prioritize consumer protection principles to ensure electronic transactions uphold fairness. Personal data protection should also be positioned as an inherent consumer right that cannot be ignored.⁴

Empirical studies show a high rate of e-commerce disputes in Indonesia, especially those related to breach of contract, delivery delays, and misuse of consumer data. Courts face challenges in digital evidence assessment, requiring special expertise to evaluate the validity of electronic documents. Dispute resolution mechanisms through online arbitration and mediation have begun to develop, but their effectiveness remains limited. These dynamics emphasize the need to strengthen civil law instruments while consistently implementing personal data protection in digital transactions. The global context shows that legal harmonization in digital trade is a pressing need.

³ Munir Fuady, *Hukum Tentang Perlindungan Konsumen*, Citra Aditya Bakti, Bandung, 2003, hlm. 45

⁴ M. Yahya Harahap, *Hukum Perjanjian di Indonesia*, Sinar Grafika, Jakarta, 2017, hlm. 97.

Developed countries have adopted strict data protection regulations, such as the General Data Protection Regulation (GDPR) in the European Union. Indonesia must align itself with international standards to remain competitive globally.⁵

Based on the background described, this research is significant in understanding the relationship between e-commerce development and the dynamics of civil law as well as the urgency of personal data protection in the digital era. This study is expected to provide theoretical and practical contributions to the development of law in Indonesia. To clarify the direction of the discussion, the research focuses on two problem formulations: how the development of e-commerce and digital transactions affects the regulation and implementation of civil law in Indonesia, and to what extent personal data protection law provides effective protection for consumers.

2. Research Method

The research method used is normative juridical with statutory and conceptual approaches. The analysis is focused on legal norms governing e-commerce and digital transactions, particularly from the perspective of civil law and personal data protection. Primary legal materials consist of the latest laws and relevant regulations, while secondary legal materials are obtained from literature, journals, and opinions of legal experts.

3. Results and Discussion

3.1. The Development of E-Commerce and Digital Transactions Influences the Regulation and Implementation of Civil Law in Indonesia

The development of e-commerce and digital transactions demands fundamental changes in the legal framework of Indonesia. The civil law system, which is still dominated by the Indonesian Civil Code, is

⁵ Alfitri, Nur Alfiana, "Perlindungan Terhadap Data Pribadi Di Era Digital Berdasarkan Undang-Undang Nomor 27 Tahun 2022", Vol. 4, No. 2, 2024, hlm. 92

essentially only relevant for physical transactions. Social changes triggered by digital technology have led to the need for new legal certainty. Legal regulations must evolve to protect the rights and obligations of parties in digital transactions. Appropriate regulations will prevent disputes and ensure electronic commerce activities operate in accordance with the principles of justice, transparency, and balanced legal responsibility.⁶

The Indonesian Civil Code inherited from the Dutch colonial era does not contain provisions concerning electronic transactions. The regulation only manages conventional legal relations based on face-to-face interactions and physical documents. The inability of the Indonesian Civil Code to meet the needs of electronic transactions creates a legal vacuum that must be filled immediately. This situation highlights the importance of new, contextual regulations. Therefore, regulations specifically governing legal interactions in the digital environment were enacted, allowing society to transact without worrying about harmful legal uncertainty.⁷

Law Number 11 of 2008 on Electronic Information and Transactions constitutes a pivotal milestone in digital legal regulation. This regulation was updated through Law Number 19 of 2016 to better align with technological developments. The latest amendment through Law Number 1 of 2024 further strengthens the legal standing of electronic activities. This law not only regulates digital communication but also affirms the legal status of electronic signatures, electronic documents, and various forms of electronic transactions. The presence of

⁶ Arrasuli, Beni Kharisma, dan Khairul Fahmi, “Perlindungan Hukum Positif Indonesia Terhadap Kejahatan Penyalahgunaan Data Pribadi”, *UNES Journal of Swara Justisia*, Vol. 7, No. 2, 2023, hlm. 369

⁷ Aruan, Jonathan Elkana Soritua, “Perlindungan Data Pribadi Ditinjau Dari Teori Perlindungan Hukum Dan Teori Perlindungan Hak Atas Privasi”, *Jurnal Globalisasi Hukum*, Vol. 1, No. 1, 2024, hlm. 1

this law provides the primary legal basis for all digital commerce activities.⁸

Electronic signatures hold the same legal status as handwritten signatures on paper. This recognition is a significant step forward that simplifies digital transaction processes without reducing legal legitimacy. Electronic documents and digital information are also declared valid as evidence in court. This ensures that electronic transactions are legally accountable. Such acknowledgment eliminates public doubts about the validity of digital interactions and reinforces confidence that Indonesian law accommodates the needs of modern commerce operating across geographic boundaries.

Electronic transactions cannot be annulled or deemed invalid solely because they are conducted digitally. This principle ensures that parties engaging in electronic platform transactions receive the same protection as those in conventional transactions. This regulation reduces the potential for disputes arising from unilateral rejections. Legal certainty of this nature is crucial in building public trust in the use of digital technology for economic activities. Such legitimacy enables business actors and consumers to feel confident that their interactions are recognized and protected by Indonesian positive law.

The government complements Law Number 1 of 2024 on Electronic Information and Transactions with various implementing regulations. Bank Indonesia and the Financial Services Authority are authorized to issue technical provisions for regulating digital payment systems and services in more detail. These implementing rules ensure that the main law remains relevant and enforceable. Technical regulations also provide clear operational guidance for businesses and the public. Thus, law functions not only as a general guideline but also as a

⁸ Ayiliani, Fanisa Mayda, dan Elfia Farida, “Urgensi Pembentukan Lembaga Pengawas Data Pribadi Sebagai Upaya Pelindungan Hukum Terhadap Transfer Data Pribadi Lintas Negara”, *Jurnal Pembangunan Hukum Indonesia*, Vol. 6, No. 3, 2024. hlm, 331

practical instrument supporting the sustainability of a safe and healthy digital economic ecosystem.⁹

The Financial Services Authority has issued regulations regarding information technology-based lending services, or fintech lending. These regulations aim to govern the rapidly increasing online lending practices. Bank Indonesia has also established regulations related to digital payment systems, including electronic money, to ensure transaction security. These technical regulations play a significant role in fostering stability and public trust in digital financial services. The synergy between Law Number 1 of 2024 on Electronic Information and Transactions, the Indonesian Civil Code, and authority regulations forms a legal framework responsive to evolving times.

The development of e-commerce and digital transactions has directly impacted the regulation of civil law in Indonesia. The legal system, which previously focused solely on conventional transactions, must now adapt to the presence of Electronic System Providers. This new legal subject includes e-commerce platforms like Tokopedia and Shopee, digital financial service providers like Flip and OVO, and social media platforms supporting business interactions. Their legal status must be clearly regulated, both rights and obligations, to avoid ambiguity potentially leading to civil law disputes.¹⁰

Modern civil law regulations must validate digital transaction mechanisms as legitimate practices. Forms of electronic agreements such as clickwrap agreements, marked by clicking "agree" on terms and conditions, require clarity on their validity. Digital payment mechanisms through payment gateways or escrow services also need legal

⁹ Butarbutar, Russel, dan Bernadete Nurmawati, "Perlindungan Data Pribadi Konsumen Pinjaman Online: Suatu Analisis", *Eligible: Journal of Social Sciences*, Vol. 2, No. 1, 2023, hlm. 181

¹⁰ Erikha, Annisa, dan Zainal Arifin Hoesin, "Strategi Pencegahan Kebocoran Data Pribadi Melalui Peran Kominfo Dan Gerakan Siberkreasi Dalam Edukasi Digital", *Jurnal Retentum*, Vol. 7, No. 1, 2025, hlm. 48

foundations to clarify the responsibilities of all parties. Such regulations ensure consumer protection and legal certainty for platform providers. Without clear regulations, digital transactions could bring harm and reduce public trust in using technology.¹¹

The influence of e-commerce on civil law also extends to the need for more comprehensive consumer protection. Electronic System Providers are required to ensure data security, information transparency, and dispute resolution mechanisms. Regulations must balance public protection with business interests. The status of providers as new legal subjects must be balanced with proportional legal obligations. Fair regulations will minimize risks of abuse and prevent imbalances of interest. This is crucial to ensure that the development of e-commerce does not create new socio-legal problems that harm both consumers and business actors in Indonesia.

The cross-border nature of digital transactions means that Indonesian civil law cannot operate in a vacuum. The borderless nature of e-commerce means dispute resolution cannot rely solely on national law. Harmonization with international law is necessary to ensure domestic rules align with global practices. International conventions like the UNCITRAL Model Law on E-Commerce can serve as a reference to ensure compatibility. Alignment with global standards facilitates the recognition of cross-border transactions. This integration will strengthen Indonesia's position in the increasingly complex and interconnected international digital trade landscape.

Indonesia's civil law framework must align with international legal principles without disregarding domestic needs. Harmonization of regulations enhances the legitimacy of national law while providing certainty for providers, consumers, and business actors. Integration of national law with global standards boosts Indonesia's competitiveness in

¹¹ Sinaga, Erlina Maria Christin, dan Merry Christian Putri, "Formulasi Legislasi Perlindungan Data Pribadi", *Jurnal Rechts Vinding*, Vol. 9, No. 2, 2020, hlm. 237

the international digital arena. Legal disharmony, on the contrary, may trigger legal conflicts that disadvantage local business actors. Regulatory synchronization is an urgent necessity to ensure that the development of e-commerce and digital transactions delivers benefits and maintains the stability of Indonesia's civil law system.

The implementation of civil law in court and out-of-court practices has also undergone significant changes, including:¹²

3.1.1. Evidence

The implementation of civil law in digital transactions has significantly transformed in terms of evidence. Previously, the Indonesian Civil Code emphasized written evidence in the form of authentic or private deeds. However, in e-commerce, evidence is dominated by electronic forms such as transaction logs, emails, digital conversations, payment histories, and server records. Law Number 1 of 2024 on Electronic Information and Transactions and the revised Civil Procedure Law recognize the validity of electronic evidence. The main challenge is ensuring the integrity and authenticity of evidence to prevent alteration or tampering. Thus, the involvement of digital forensic experts is indispensable. Additionally, digital signatures based on Public Key Infrastructure (PKI) are used to verify signer identity, making the evidentiary process more adaptive to technological developments.

3.1.2. Contract Law

Contract law has also undergone major adaptations in the context of electronic transactions. In practice, agreements in e-commerce are often formed simply by clicking "I Agree"

¹² Faizah, Azza Fitrahul, Sinta Dewi Rosadi, Garry Gumelar Pratama, dan Ananda Fersa Dharmawan, "Penguatan Pelindungan Data Pribadi Melalui Otoritas Pengawas Di Indonesia Berdasarkan Perbandingan Hukum Hong Kong", *Hakim: Jurnal Ilmu Hukum Dan Sosial*, Vol. 1, No. 3, 2023, hlm. 27

on Terms and Conditions. Legal questions arise as to whether such a click fulfills the legal requirement for consent under Article 1320 of the Indonesian Civil Code, which mandates mutual consent of the parties. Furthermore, platform terms are often long, complex, and rarely read by consumers. This creates a dilemma concerning the principle of freedom of contract and the position of standard contracts. In practice, Law Number 8 of 1999 concerning Consumer Protection is frequently used to protect the weaker party, namely the consumer, from harmful clauses. Thus, contract law in the digital realm must balance contractual freedom with fairness for consumers.

3.1.3. Choice of Law and Forum

Cross-border digital transactions raise serious issues regarding jurisdiction and applicable law. For instance, if a consumer in Jakarta purchases goods from a seller in China via a platform based in the United States, the question arises as to which court has jurisdiction over disputes. Law Number 1 of 2024 on Electronic Information and Transactions asserts that electronic system providers targeting Indonesian users are subject to Indonesian law. However, enforcing this rule presents technical and diplomatic challenges. Additionally, many e-commerce platforms include foreign law clauses, such as Singapore law, as the applicable law. Indonesian courts are authorized to determine whether such clauses are valid and enforceable, especially if they harm Indonesian consumers. This highlights the need to balance the principle of legal sovereignty with global commercial practices.

3.1.4. Alternative Dispute Resolution

Litigation for resolving digital transaction disputes is considered slow and inefficient, especially given the high volume but relatively small value of e-commerce disputes. Therefore, alternative mechanisms are highly relevant. Many e-commerce platforms provide internal resolution channels, such as refunds, online complaints, or platform-based mediation. Formal institutions like the Consumer Dispute Settlement Agency (BPSK) and the Ombudsman Republic of Indonesia also play key roles in mediating digital consumer complaints. Online mediation is increasingly seen as effective in offering rapid, low-cost, and simple access to justice. The presence of alternative dispute resolution mechanisms aligns with the purpose of civil law to provide certainty and justice without burdening the formal judicial system. This also complies with Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution.

3.1.5. Consumer Protection

Consumer protection in digital transactions is a crucial issue due to high risks of fraud, mismatched goods, and data breaches. Consumers are entitled to clear and accurate product information, making misleading online advertising actionable under Law Number 8 of 1999 on Consumer Protection. Additionally, the "cooling-off" principle grants the right to cancel transaction within fourteen days for distance selling, including e-commerce, though its implementation remains debated. Personal data protection is also a major concern. Digital transactions always involve the exchange of large amounts of personal data. Therefore, Law Number 27 of 2022 on Personal Data Protection serves as a legal instrument obligating business actors to ensure data

security and providing sanctions in case of violations.

Digital consumer protection reflects the balance between business freedom and the obligation to protect public rights.

The development of e-commerce and digital transactions has driven fundamental changes in Indonesia's civil law. The legal system, originally grounded in the Indonesian Civil Code, is now strengthened by specific regulations such as Law Number 1 of 2024 on Electronic Information and Transactions and Law Number 27 of 2022 on Personal Data Protection, which recognize the validity of electronic documents, signatures, and evidence. The practices of evidence, contract validity, jurisdiction, and dispute resolution have adapted to digital dynamics through the use of forensic experts and alternative resolution methods. This transformation aims to maintain legal certainty, protect consumers, and simultaneously support innovation and digital economic growth.

3.2. Legal Regulations on Personal Data Protection Capable of Providing Legal Certainty and Protection for Consumers in E-Commerce Transactions

The legal framework for personal data protection serves as a crucial milestone in providing legal certainty for consumers and business actors. The issuance of Law Number 27 of 2022 on Personal Data Protection answers the need for comprehensive regulation amid the rapid growth of e-commerce. Prior to the enactment of this law, data protection was scattered across sectoral regulations like Law Number 11 of 2008 Jo Law Number 1 of 2024 on Electronic Information and Transactions, leading to ambiguity. Law Number 27 of 2022 now serves as the primary legal umbrella offering greater certainty through detailed provisions on rights, obligations, and mechanisms for managing personal data.

The clear definition of personal data in Law Number 27 of 2022 provides legal certainty that was previously lacking. The regulation distinguishes between General Personal Data and Specific Personal Data,

which carries higher sensitivity. The explanation of who qualifies as a Data Controller and Data Processor clarifies legal responsibility. With this definition, consumers can understand their position as data subjects, while business actors know the extent of their authority. This clarity prevents multi-interpretation that often caused legal uncertainty in the past.

The legal basis for data processing is an essential aspect emphasized in Law Number 27 of 2022. Every processing activity must be grounded in consent, contract, legal obligation, or other legitimate grounds. This provision protects consumers from unauthorized data collection without a clear legal basis. For e-commerce business actors, the regulation becomes a guideline to ensure every activity aligns with legal requirements. Consumers also gain assurance that their data will not be used arbitrarily. The existence of a legal foundation for processing offers certainty for both parties in the digital ecosystem.

Legal certainty under Law Number 27 of 2022 is not yet fully optimized due to the awaited implementing regulations. Technical aspects such as procedures for breach notification and mechanisms for appointing Data Protection Officers lack detailed guidance. This regulatory gap creates confusion among business operators in properly implementing the rules. Consumers are also potentially disadvantaged because protection has not been maximized. This temporary uncertainty demands that the government expedite derivative regulations so that the legal certainty promised by the law can be fully realized in practice.¹³

Data subject rights form a critical part of protection under Law Number 27 of 2022. Consumers now have the right to obtain information, access, rectify, and even delete their personal data. The right to object and withdraw consent is also explicitly regulated. These rights are highly relevant in e-commerce, where consumer data is often

¹³ Fikri, Muhammad, dan Shelvi Rusdiana, "Ruang Lingkup Perlindungan Data Pribadi: Kajian Hukum Positif Indonesia", *Ganesha Law Review*, Vol. 5, No. 1, 2023, hlm. 45

processed for commercial purposes. With these explicit rights, consumers have stronger bargaining power in controlling the use of their personal information. Legal protection becomes more tangible as it can be enforced through legal mechanisms.¹⁴

The obligations of e-commerce business actors are clearly regulated to support consumer protection. Business actors are required to apply data protection principles from the system design stage, a concept known as privacy by design. The obligation to notify data subjects and authorities in case of a breach shows a proactive approach. Some business actors are also required to appoint a Data Protection Officer to ensure compliance. These provisions strengthen consumer protection by ensuring business actors are responsible not only for services but also for securing processed data.

Regulation on cross-border data transfer adds another layer of protection. Law Number 27 of 2022 mandates compliance with specific requirements before transferring personal data overseas. This provision safeguards Indonesian consumers against exploitation of their data in foreign jurisdictions with weaker protection standards. In the digital globalization era, this rule is vital as many e-commerce platforms operate across borders. This additional protection ensures consumers do not lose their rights simply because their data is stored on servers located abroad.

The strict sanctions in Law Number 27 of 2022 serve as an instrument to ensure compliance by business operators. The law imposes administrative sanctions ranging from warnings to fines, and criminal sanctions including imprisonment and multimillion rupiah fines. These penalties create a deterrent effect, ensuring business actors do not neglect data protection obligations. The presence of criminal sanctions highlights the state's seriousness in safeguarding citizens' rights. This legal

¹⁴ Novita Angraini, dan Zulkifli Makkawaru, "Perlindungan Hukum Data Pribadi Dalam Perspektif Hak Asasi Manusia", *Indonesian Journal of Legality of Law*, Vol. 7, No. 1, 2024, hlm. 46

protection is not merely declarative but also operational, enforced through judicial mechanisms in cases of serious violations.¹⁵

The effectiveness of personal data protection also hinges on consumer awareness. Many consumers remain unaware of their rights, often agreeing to data collection without reviewing terms and conditions. This state weakens available legal protection. Public education is key to making consumers more critical and proactive in asserting their rights. Low public awareness creates opportunities for business actors to act arbitrarily despite existing regulations. Thus, education must accompany regulation to ensure maximum protection.

The supervisory capacity of the Personal Data Protection Authority is a key factor in implementing Law Number 27 of 2022 successfully. With a vast number of e-commerce operators, supervision becomes a significant challenge. The supervisory body must be equipped with adequate human resources, technology, and authority. Without strong oversight, regulation risks remaining merely written norms with no real enforcement. Efforts to enhance supervisory capacity, including collaboration with the public and international bodies, must be strengthened. Legal certainty and protection can only be realized through effective and consistent oversight across sectors.

Law Number 1 of 2024 is an amendment to the Electronic Information and Transactions Law, which previously served as the main regulation on personal data protection under Article 26. Before the enactment of Law Number 27 of 2022 on Personal Data Protection, Article 26 of the EIT Law was often used to prosecute personal data violations. However, the legal position of this regulation shifted significantly after the introduction of the more comprehensive Personal

¹⁵ Kennedy, Alexander, "Perlindungan Data Pribadi Dalam Dunia Siber Di Indonesia Ditinjau Berdasarkan Hukum Tata Negara", *Hukum Dinamika Ekselensia*, Vol. 6, No. 2, 2024, hlm. 82

Data Protection Law, which now applies as *lex specialis* in data protection matters.

Article 26 of the EIT Law, amended by Law Number 1 of 2024, is no longer a specific provision governing personal data protection. The provision now merely states that the use of personal data without consent constitutes a legal violation. Its legal position has shifted, as it no longer carries criminal sanctions but is instead directed toward civil law remedies. Criminal protection for personal data has been fully delegated to the Personal Data Protection Law, which offers more detailed and stringent provisions.

The most significant amendment in Law Number 1 of 2024 is the removal of criminal provisions for violations of Article 26 of the EIT Law. Previously, any personal data violation was subject to criminal penalties. This repeal is part of regulatory harmonization to prevent overlapping law enforcement. The concept of overcriminalization is avoided by concentrating criminal sanctions exclusively under the Personal Data Protection Law. As a result, the legal system becomes more streamlined, consistent, and offers greater legal certainty.

Law Number 1 of 2024 also reflects alignment with the substantive provisions of Law Number 27 of 2022 on Personal Data Protection. The removal of criminal sanctions in Article 26 clarifies that all criminal actions involving personal data now fall under the Personal Data Protection Law. Sanctions in this regulation are more detailed, strict, and severe, including administrative and criminal penalties. This framework signals the state's strong commitment to personal data protection amid the rise of e-commerce and digitalization.

Article 26 of the EIT Law remains in force but with a different function. It states that using personal data without consent is unlawful, yet legal consequences have been redirected to civil litigation or criminal penalties under the Personal Data Protection Law. This role allows the EIT Law to focus on general electronic transaction regulation, while

criminal aspects of personal data protection are governed separately. The harmonization of these laws ensures legal certainty while reinforcing consumer protection in the digital realm.

The conclusion regarding the extent to which personal data protection regulatory law provides legal certainty and consumer protection in e-commerce transactions indicates that Indonesia has a solid legal framework through Law Number 27 of 2022 on Personal Data Protection, aligned with Law Number 1 of 2024 on Electronic Information and Transactions. These regulations complement each other: the Personal Data Protection Law serves as *lex specialis* for data protection substance, while the EIT Law governs broader electronic transaction contexts. This division offers clearer legal certainty. Future challenges depend on oversight capacity, completeness of derivative regulations, public education, and consistent legal enforcement. With this foundation, the protection of consumers' personal data in Indonesian e-commerce is comparable to global standards like the General Data Protection Regulation in Europe.

4. Conclusion

The development of e-commerce and digital transactions has brought fundamental changes to the regulation of civil law in Indonesia. The legal system previously based on the Civil Code is considered inadequate as it only governs conventional transactions. This legal vacuum was then addressed with the enactment of Law Number 11 of 2008 on Electronic Information and Transactions, updated through Law Number 19 of 2016 and most recently Law Number 1 of 2024. The regulation recognizes the validity of electronic documents, digital signatures, and electronic evidence as legitimate legal bases. In addition, technical regulations issued by OJK and Bank Indonesia reinforce consumer protection, payment system security, and fintech services. The legal framework also defines electronic system providers as new legal subjects. Thus, this transformation provides legal certainty, protects consumer

interests, and supports the sustainability of the national digital trade ecosystem aligned with international standards.

BIBLIOGRAPHY

1. Books

M. Yahya Harahap, *Hukum Perjanjian di Indonesia*, Sinar Grafika, Jakarta, 2017.

Munir Fuady, *Hukum Tentang Perlindungan Konsumen*, Citra Aditya Bakti, Bandung, 2003.

2. Journals

Ajiputera, Muhammad Taufik, dan Heru Susetyo, “Implementasi Pengaturan Hak Untuk Dilupakan Melalui Sistem Penghapusan Data Pribadi Dan/Atau Dokumen Elektronik Menurut Perspektif Hukum Positif Di Indonesia”, *Unes Law Review*, Vol. 6, No. 3, 2024

Alfitri, Nur Alfiana, “Perlindungan Terhadap Data Pribadi Di Era Digital Berdasarkan Undang-Undang Nomor 27 Tahun 2022”], Vol. 4, No. 2, 2024,

Arrasuli, Beni Kharisma, dan Khairul Fahmi, “Perlindungan Hukum Positif Indonesia Terhadap Kejahatan Penyalahgunaan Data Pribadi”, *UNES Journal of Swara Justisia*, Vol. 7, No. 2, 2023.

Aruan, Jonathan Elkana Soritua, “Perlindungan Data Pribadi Ditinjau Dari Teori Perlindungan Hukum Dan Teori Perlindungan Hak Atas Privasi”, *Jurnal Globalisasi Hukum*, Vol. 1, No. 1, 2024.

Ayiliani, Fanisa Mayda, dan Elfia Farida, “Urgensi Pembentukan Lembaga Pengawas Data Pribadi Sebagai Upaya Pelindungan Hukum Terhadap Transfer Data Pribadi Lintas Negara”, *Jurnal Pembangunan Hukum Indonesia*, Vol. 6, No. 3, 2024.

Butarbutar, Russel, dan Bernadete Nurmawati, “Perlindungan Data Pribadi Konsumen Pinjaman Online: Suatu Analisis”, *Eligible: Journal of Social Sciences*, Vol. 2, No. 1, 2023.

Erikha, Annisa, dan Zainal Arifin Hoessein, “Strategi Pencegahan Kebocoran Data Pribadi Melalui Peran Kominfo Dan Gerakan Siberkreasi Dalam Edukasi Digital”, *Jurnal Retentum*, Vol. 7, No. 1, 2025.

Faizah, Azza Fitrahul, Sinta Dewi Rosadi, Garry Gumelar Pratama, dan Ananda Fersa Dharmawan, “Penguatan Pelindungan Data Pribadi Melalui Otoritas Pengawas Di Indonesia Berdasarkan Perbandingan Hukum Hong Kong”, *Hakim: Jurnal Ilmu Hukum Dan Sosial*, Vol. 1, No. 3, 2023.

Fikri, Muhammad, dan Shelvi Rusdiana, “Ruang Lingkup Perlindungan Data Pribadi: Kajian Hukum Positif Indonesia”, *Ganesha Law Review*, Vol. 5, No. 1, 2023.

Kennedy, Alexander, “Perlindungan Data Pribadi Dalam Dunia Siber Di Indonesia Ditinjau Berdasarkan Hukum Tata Negara”, *Hukum Dinamika Ekselensia*, Vol. 6, No. 2, 2024

Novita Angraini, dan Zulkifli Makkawaru, “Perlindungan Hukum Data Pribadi Dalam Perspektif Hak Asasi Manusia”, *Indonesian Journal of Legality of Law*, Vol. 7, No. 1, 2024

Sinaga, Erlina Maria Christin, dan Merry Christian Putri, “Formulasi Legislasi Perlindungan Data Pribadi”, *Jurnal Rechts Vinding*, Vol. 9, No. 2, 2020.

3. Regulation

Kitab Undang-Undang Hukum Perdata

Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik

Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi