

## Legal Liability Against Marketplace for Promotion of Inappropriate Goods that Harm Consumers

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### Keywords

*Marketplace, Illegal Products, Consumer Protection, ITE Law.*

### ABSTRACT

The widespread use of marketplace platforms in online buying and selling activities has brought significant convenience to consumers in Indonesia. However, this phenomenon also presents complex legal challenges, especially related to the circulation of illegal products that are increasingly difficult to monitor. This research examines the legal responsibility of marketplace providers in dealing with the sale of illegal goods based on Law Number 8 of 1999 concerning Consumer Protection (UUPK) and Law Number 11 of 2008 as well as Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE). Using a normative juridical approach and descriptive-analytical method, this research explores how the current regulatory system responds to the issue. The research findings show that although the existing legal framework has provided formal protection, in practice there are still many gaps, especially in the aspects of seller verification, content monitoring, and consumer complaint mechanisms. Marketplaces often play a passive role on the grounds that they are facilitators, even though they have operational control over the system. Therefore, it is necessary to strengthen regulations and increase the active role of platform providers in ensuring the legitimacy of the products being traded. This research also recommends cross-sector collaboration to strengthen supervision and build a safer and more responsible e-commerce ecosystem in 2025 and beyond.

### INTRODUCTION

The development of information and communication technology has created significant disruptions in the global trade ecosystem. One of the most prominent forms of transformation is the emergence of marketplace platforms, which not only facilitate interactions between sellers and buyers online, but also revolutionize the way people conduct economic transactions (Kusnanto et al., 2024). Ease of access, product diversity, as well as time and cost efficiency make marketplaces the main choice in modern buying and selling activities. However, behind this progress, serious challenges arise regarding the legality and authenticity of products offered in the digital realm, especially regarding the spread of illegal or counterfeit products (Nuraini, n.d.).

However, along with the high volume of transactions comes the potential for abuse of the system by irresponsible business actors. Illegal products sold through marketplaces are not always

easy to identify by ordinary consumers, especially when business actors disguise them through product photos, fake testimonials, and excessive promotion. In many cases, consumer losses are not only material, but also have an impact on health, safety, and long-term harm to consumers' right to correct information. This problem becomes even more complex because not all marketplaces have strict sales policies or adequate verification systems to filter out business actors who violate the law.

The phenomenon of illegal goods circulation in the marketplace indicates a gap in the supervision and regulation system (Yovia et al., 2021). Counterfeit products not only harm consumers from an economic and health perspective, but can also undermine public trust in digital platforms as a reliable trading medium. In this context, it is important to examine how Indonesia's legal framework, particularly Law No. 8/1999 on Consumer Protection (UUPK) and Law No. 11/2008 in conjunction with Law No. 19/2016 on Electronic Information and Transactions (UU ITE), respond to these dynamics and provide effective legal protection for consumers.

Marketplaces, functionally, are often positioned as intermediaries that bring business actors and consumers together (H. H. Cahyani, 2021). However, this position creates ambiguity in terms of legal responsibility in the event of violations, such as the sale of illegal goods. Whether the marketplace platform can be categorized as a co-responsible party, or only as a neutral facilitator that has no legal liability for the content and products offered by third parties. This question is crucial, given the increasing number of consumer complaints about harmful digital transactions.

A report from the Indonesian Ministry of Trade noted that the e-commerce sector accounted for the majority of consumer complaints in the first half of 2021, indicating that consumer protection in online transactions is still not optimal. In addition, jurisdictional challenges and the presence of cross-border businesses complicate the law enforcement process, as not all businesses fall within the scope of national laws (Lase, 2024).

From an economic perspective, the circulation of illegal products also has a significant negative impact. These products disrupt market stability, harm law-abiding business actors, and hinder the growth of domestic industries that seek to compete fairly. The Indonesian government itself has suffered losses in terms of state revenue due to taxes and import duties from unrecorded illegal products. Therefore, the issue of marketplaces and illegal products is not merely an issue of consumer protection, but has become a multidimensional problem that touches on legal, economic, social, and digital governance aspects.

The rapid expansion of e-commerce in Indonesia has led to significant challenges regarding consumer protection, particularly concerning the sale of illegal products through marketplace platforms. Despite the convenience these platforms offer, the lack of effective monitoring and verification systems allows counterfeit and illegal goods to proliferate, endangering consumer safety and undermining trust in digital commerce. This raises critical questions about the legal responsibilities of marketplace providers in ensuring the legitimacy of the products sold on their platforms.

The urgency of addressing these issues is underscored by the increasing number of consumer complaints related to illegal products, which not only harm consumers economically but also pose serious health risks. Reports indicate that a significant percentage of online transactions involve counterfeit goods, highlighting the need for robust legal frameworks that hold marketplaces accountable. If left unaddressed, this situation could erode consumer confidence in digital platforms, ultimately hindering the growth of the e-commerce sector.

Moreover, the evolving landscape of digital commerce necessitates immediate legal reforms to adapt to technological advancements and changing consumer behaviors. Strengthening regulations

around marketplace responsibilities is essential to safeguard consumer rights and create a safer online shopping environment.

Previous studies have explored various aspects of consumer protection in e-commerce. For instance, Abdullah (2023) examined the legal implications of consumer rights in online transactions, emphasizing the need for clearer regulations governing marketplace responsibilities. Similarly, Nuraini (n.d.) analyzed the marketing practices of online platforms, highlighting the prevalence of misleading advertisements and the challenges consumers face when seeking redress for losses incurred from illegal products.

Another relevant study by Yovia et al. (2021) discussed the regulatory gaps in Indonesia's consumer protection laws, particularly concerning digital transactions and the responsibilities of e-commerce platforms. This research indicates that existing frameworks are inadequate for addressing the complexities introduced by online marketplaces, which often operate across jurisdictions.

Furthermore, Cahyani et al. (2024) highlighted the importance of implementing stringent seller verification processes to mitigate risks associated with illegal products. Their findings suggest that while some marketplaces have established internal policies, these measures are often insufficient to protect consumers effectively.

Despite the existing literature, there remains a significant gap in comprehensive analyses that specifically focus on the legal responsibilities of marketplace providers for the sale of illegal products in Indonesia. Most studies have addressed consumer rights or the nature of illegal products individually, without adequately examining how these elements interact within the framework of marketplace operations.

This research introduces a novel perspective by employing a normative juridical approach to analyze the legal obligations of marketplace providers in Indonesia specifically regarding illegal goods. By comparing the effectiveness of existing regulations with best practices from other countries, this study aims to provide actionable recommendations for enhancing the legal framework surrounding e-commerce.

Thus, this research aims to analyze the legal responsibility of marketplace platform providers in the context of illegal product circulation. This research also explores the relevance and effectiveness of the GCPL and ITE Law in providing adequate protection for consumers, while considering the urgency of updating regulations that are adaptive to the development of digital technology. It is hoped that this study can contribute to the formulation of a more comprehensive and responsive legal policy in facing the challenges of electronic commerce in the digital era.

The findings of this research will be beneficial for policymakers, legal practitioners, and marketplace operators. By identifying weaknesses in the current regulations and proposing enhancements, the study aims to contribute to the development of a more effective consumer protection system that can adapt to the challenges posed by the rapidly evolving e-commerce landscape. This will ultimately help build consumer trust and promote sustainable growth in Indonesia's digital economy.

## **METHODS**

This research uses a normative juridical approach with a descriptive-analytical nature. This approach was chosen because the main focus of the study lies in analyzing the positive legal norms governing electronic commerce practices, especially regarding the legal responsibility of marketplace providers in the circulation of illegal products. This research not only describes the applicable legal framework, but also analyzes the effectiveness of the implementation of Law Number 8 of 1999 concerning Consumer Protection and Law Number 11 of 2008 which has been amended by Law

Number 19 of 2016 concerning Electronic Information and Transactions. To support the analysis, researchers also refer to Law Number 27 of 2022 concerning Personal Data Protection as well as other implementing regulations that are still valid until 2025.

The type of data used in this research is secondary data obtained through literature studies. The data includes primary legal materials, such as laws and regulations and court decisions; secondary legal materials in the form of legal literature, journal articles, seminar results, and expert opinions; and tertiary legal materials such as legal dictionaries and encyclopedias used to strengthen conceptual understanding. Data collection was carried out by reviewing various official documents and scientific publications, as well as including information from marketplace statements such as Shopee and Tokopedia regarding their internal policies in tackling the circulation of unauthorized products (Zahra, 2024).

The data analysis technique used is qualitative, with a deductive approach to draw conclusions from general legal norms which are then applied to concrete cases. All data is organized systematically and logically to describe and answer the problem formulation proposed in this research. Through this approach, it is hoped that the research can contribute to academic discourse and regulatory development in the digital trade ecosystem, particularly related to consumer protection and law enforcement against the distribution of illegal products in the marketplace.

## **RESULTS AND DISCUSSION**

The rapid development of electronic commerce in Indonesia has brought convenience to consumers in accessing various products online (Arbani, 2025). However, along with this growth, serious problems have emerged regarding the rampant circulation of illegal or counterfeit products on marketplace platforms. This research found that a large number of consumers still face risks when conducting digital transactions, particularly in relation to product authenticity and platform provider liability. According to the latest data from the Association of Indonesian Internet Service Providers (APJII), as of early 2025, 42% of consumers have been harmed in online transactions, and most of these cases involved inappropriate or illegal products.

One of the main causes of this phenomenon is the low level of verification of sellers operating on marketplace platforms. Most platform providers run a user generated content-based system, where sellers can easily upload products without going through a strict selection process (D. R. Cahyani, 2024). This opens a huge gap for irresponsible sellers to offer counterfeit goods. Although platform providers such as Shopee and Tokopedia have implemented internal policies in the form of appeals and reporting systems, the reality is that there are still many problematic products in circulation, including electronic devices without official certification or unregistered IMEI numbers.

From a legal perspective, Law No. 8/1999 on Consumer Protection and Law No. 11/2008 as well as Law No. 19/2016 on Electronic Information and Transactions provide a clear legal basis regarding consumer rights and obligations of electronic system providers. Article 15 of the EIT Law emphasizes that electronic system providers are responsible for the operation of the platforms they manage. However, this provision is often faced with limitation of liability if the fault is proven to originate from the user or a third party. In practice, many platform providers only act as facilitators and do not recognize full responsibility for transactions conducted between users (Abdullah, 2023).

The research also notes that the government's efforts to strengthen regulation are already underway through policies such as Government Regulation No. 80/2019 on Trading Through Electronic Systems. This regulation regulates the obligation of business actors, including marketplaces, to provide complaint services, clearly state the identity of business actors, and guarantee the security of the transaction system. However, there is still a gap between normative

provisions and implementation in the field. Many consumers still find it difficult to access the complaints system, or face complicated procedures when filing claims for losses due to counterfeit products (Nurfadilah et al., 2024).

GCPL provides a legal basis for consumers to obtain compensation for losses suffered, either in the form of refunds, product replacements, or additional compensation if further losses occur. However, in practice, this mechanism has not run optimally. Many consumers face administrative obstacles in the complaint process, and marketplace responses are often slow and impartial (Sepriano et al., 2023).

Enforcement of consumer protection in digital transactions is also largely determined by the effectiveness of supervisory institutions and state authorities. In Indonesia, the National Consumer Protection Agency (BPKN) and the Ministry of Trade play an important role in collecting complaints and developing policies related to digital trade. However, the capacity to supervise marketplace activities is still limited, especially if business actors operate across regions or even across countries. In addition, the absence of an integrated reporting system between agencies makes handling cases of illegal products slow. In the future, a data-driven digital surveillance system is needed that allows transaction tracking, automatic reporting, and administrative sanctions in real time to violating business actors. The establishment of a cyber trade monitoring unit is one strategic option to accelerate case handling.

Marketplaces such as Shopee, Tokopedia, and Bukalapak have generally provided Customer Service Centers and reporting features, but their effectiveness is highly dependent on the internal policies of each platform. Consumers are often asked to resolve problems directly with sellers, even though not all sellers are responsive or have good intentions. In these conditions, the marketplace must be present as an active party, not a passive one. Regarding the form of compensation, GCPL provides room for consumers to obtain a refund, product replacement, or compensation for other losses experienced. However, the process of handling complaints by platform providers is often not transparent and inefficient. This is a serious obstacle to building consumer trust in the e-commerce ecosystem. Therefore, increasing the capacity of supervisory institutions and strengthening legal mechanisms in the digital realm is an urgency that cannot be delayed (Zaman, 2025).

Marketplaces often claim to be a party that only provides a space for transactions to occur, without direct involvement in buying and selling. This concept is known as neutral intermediary. However, in the development of digital law, this claim is starting to be questioned. Article 15 of the ITE Law already stipulates that electronic system providers have a responsibility for the sustainability of a secure system. In some cases, marketplaces not only provide the system, but also set pricing policies, organize product displays, and even provide their own payment systems. This means that there is active involvement in the transaction process. Thus, the concept of a neutral facilitator is no longer legally relevant. Marketplaces have become part of a complex commerce ecosystem and have a direct contribution to consumer experience and risk (NURSYAM, 2023).

As a form of responsibility, marketplace platform providers must strengthen seller verification systems, improve dispute resolution procedures, and provide education for consumers about their rights and how to transact safely. Collaboration between the government, digital platforms, and the public is needed to establish a transparent e-commerce ecosystem with integrity. With adaptive regulations and strict law enforcement, it is expected that the spread of illegal products in the marketplace can be significantly reduced, so that consumer protection can be realized in Indonesia's digital transaction system (RATNANINGSIH, n.d.).

To build a safe and fair digital trade ecosystem, synergy between the government, platform providers and the public is needed. The government needs to update regulations to be more adaptive

to the dynamics of technology and digital business. Platform providers must improve verification standards, tighten control over product content, and facilitate transparent and fast dispute resolution (Jayanti, 2019). On the other hand, educating consumers about their rights and safe transaction methods is also a top priority. With the increase in cross-border transactions through global marketplaces, jurisdictional challenges and law enforcement coordination must also be addressed through international cooperation. Only with a comprehensive and collaborative legal approach can public confidence in the e-commerce ecosystem continue to be enhanced amidst the rapid flow of digitalization.

## CONCLUSION

Marketplaces have become a significant milestone in Indonesia's digital transformation, providing convenience by connecting sellers and buyers, which has fueled the growth of the national digital economy. However, this convenience is not without risks, as the rampant circulation of illegal products undermines consumer trust and creates legal uncertainty. Despite the existence of laws such as Law No. 8/1999 on Consumer Protection and Law No. 11/2008 on Electronic Information and Transactions, their implementation remains ineffective, with many marketplace providers operating as neutral facilitators while having substantial control over product marketing systems. This has led to a gray area in legal liability. Additionally, the current oversight and dispute resolution mechanisms are inadequate, leaving consumers frustrated with complicated and slow complaint processes. Therefore, urgent policy reform is needed to establish stricter regulations on marketplace liability and improve seller verification standards. Cross-border legal challenges further highlight the necessity for international cooperation to effectively regulate digital trade and monitor foreign sellers. Solutions cannot rely solely on legal instruments; a collaborative effort involving the government, marketplace providers, and consumers is essential. The government should enhance digital surveillance capabilities, while marketplaces must take on active roles in safeguarding market integrity. Continuous consumer education is also vital for empowering individuals to navigate the evolving digital landscape. Future research should focus on the effectiveness of proposed regulatory reforms and explore innovative mechanisms for enhancing consumer protection in the digital marketplace, as well as the impact of cross-border e-commerce on local markets.

## REFERENCES

- Abdullah, B. (2023). Edukasi Pembayaran Zakat yang Dilakukan Melalui Uang Elektronik dalam Perspektif Akad Muamalah. *Jurnal Review Pendidikan Dan Pengajaran (JRPP)*, 6(2), 288–299.
- Arbani, M. (2025). Aspek Hukum Perlindungan Umkm dalam Penjualan di E-Commerce: Tantangan dan Solusi di Era Digital. *Jurnal Syntax Admiration*, 6(2), 1166–1175.
- Cahyani, D. R. (2024). *Penerapan Strategi Digital Marketing dan Kolaborasi Mitra Bisnis Guna meningkatkan Penjualan Digital Produk UMKM di Daerah Istimewa Yogyakarta (Studi Kasus Pada Platform Sibakul Jogja)*. Universitas Islam Indonesia.
- Cahyani, H. H. (2021). Analisis pengaruh promosi digital, kepercayaan, dan kemudahan berbelanja melalui lokapasar (marketplace) terhadap perilaku konsumtif generasi y dimoderasi dengan variabel religiusitas. *Jurnal Ilmiah*, 1–16.
- Jayanti, C. S. (2019). *Perlindungan Hukum Hak Atas Data Pribadi Dalam Transaksi Pinjam Meminjam Uang Berbasis Teknologi Informasi (Studi pada PT. Digital Synergy Technology)*.
- Kusnanto, S. P., Gudiato, C., Kom, M., Usman, S. E., Blasius Manggu, S. E., & Sumarni, M. L. (2024). *Transformasi Era Digitalisasi Masyarakat Kontemporer*. Uwais Inspirasi Indonesia.
- Lase, I. N. (2024). Dampak Transformasi Digital terhadap Hukum Bisnis: Menghadapi Tantangan

- Hukum dalam Perdagangan Elektronik. *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)*, 5(1).
- Nuraini, S. (n.d.). *Pemasaran Skincer Dengan Cara Overclaim Di E-Commere (Perspektif Fatwa MUI Dan Undang-Undang Tentang Perlindungan Konsumen)*. Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta.
- Nurfadilah, A., AbuBakar, A. N. H., Anjani, A. R., Samugra, B. D., & Amelia, D. R. (2024). Perlindungan Hukum Terhadap Pelaku Usaha Online antara Platform Shopee dan Platform Lazada yang Mengalami Kerugian Akibat Konsumen di Kota Kuningan. *Letterlijk*, 1(1), 45–65.
- Nursyam, N. (2023). *Dampak Srategi Digital Markting Bagi Pendapatan Umkm Di Kota Palopo*. Institut Agama Islam Negeri (IAIN) Palopo.
- RATNANINGSIH, S. D. A. Y. U. (n.d.). *Pembentukan Karakter Akuntan Melalui Pembelajaran Daring*.
- Sepriano, S., Hikmat, A., Munizu, M., Nooraini, A., Sundari, S., Afiyah, S., Riwayati, A., & Indarti, C. F. S. (2023). *Transformasi Administrasi Publik Menghadapi Era Digital*. PT. Sonpedia Publishing Indonesia.
- Yovia, R. A., Elfarabi, F., Handayani, F., Santoso, A. A., & Putra, S. D. (2021). Penyimpangan Distribusi Obat Keras pada Sarana Tidak Memiliki Keahlian dan Kewenangan Melakukan Praktik Kefarmasian: Indonesia. *Eruditio: Indonesia Journal of Food and Drug Safety*, 2(1), 1–13.
- Zahra, N. N. A. (2024). *Analisis Perlindungan Hukum Bagi Konsumen Dalam Transaksi Marketplace “Tiktok Shop” Ditinjau Dari Perspektif Hukum Perlindungan Konsumen*. Universitas Islam Sultan Agung Semarang.
- Zaman, A. A. P. (2025). *Keabsahan Pembuktian Digital Forensik Terhadap Tindak Pidana Pencucian Uang Melalui Mata Uang Virtual (Cryptocurrency)(Studi Komparatif Di Beberapa Negara)*.