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## Cyber Legal Protection for Consumers in Cross-Border E-Commerce Transactions in the ASEAN Region

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**Abstract:** This article discusses cyber legal protection for consumers in cross-border e-commerce transactions in the ASEAN region, focusing on an analysis of Indonesian national regulations and the ASEAN regional framework. The rapid development of cross-border e-commerce brings significant opportunities for digital commerce, but also presents serious challenges in consumer protection, particularly regarding transaction security, information transparency, misuse of personal data, and cross-border dispute resolution mechanisms. Indonesia already has several relevant regulations, such as Government Regulation Number 80 of 2019 regarding Commerce Through Electronic Systems, Law Number 1 of 2024 concerning Electronic Information and Transactions, Law Number 8 of 1999 concerned Consumer Protection, and Law Number 27 of 2022 concerning Personal Data Protection. Although these regulations provide a basic framework, they are still limited in nature and cannot address the complexities of cross-border transactions. At the regional level, ASEAN has issued the ASEAN Agreement on E-Commerce, which encourages the establishment of a safe, fair, and inclusive digital commerce ecosystem. However, its implementation still faces challenges in legal harmonization, differences in consumer protection standards, and limitations in cross-border dispute resolution mechanisms. Therefore, strategic steps are needed to harmonize regulations across ASEAN countries, establish a regional dispute resolution forum, and enhance cooperation between supervisory authorities in the areas of digital trade and personal data protection. It will ensure more effective cyber legal protection for consumers in cross-border e-commerce transactions, bolster public trust, and strengthen digital economic integration in the ASEAN region.

**Keywords:** Legal Protection, Cyber Law, Consumers, Cross-Border E-Commerce, ASEAN

### INTRODUCTION

Cross-border e-commerce has grown significantly in the ASEAN region, giving consumers access to a greater range of goods and services and businesses the chance to extend their markets (Bahtiar, 2020). The ease of information and communication technology has made the distance between countries seemingly no longer a barrier to commercial transactions (Harahap, 2022). However, the increasing number of cross-border transactions

has also created new challenges related to consumer protection. Many cases of online fraud arise when consumers purchase goods from abroad, only to never receive them or find them different from what was promised. The existence of digital payment systems also increases the risk of financial data theft, which is often difficult to handle because it involves different legal jurisdictions (Rustam, 2023). Another equally serious issue is the frequent misuse of consumers' personal data without consent, for example, for commercial or even criminal purposes (Situmeang, 2021). This phenomenon demonstrates that the development of the digital economy must be accompanied by the establishment of adequate legal regulations (Malau, 2025). ASEAN, comprised of diverse legal systems, needs to take collective action to prevent consumers from being disadvantaged in cross-border transactions. Legal harmonization is crucial for ensuring real and consistent consumer legal protection in every member country.

The theoretical framework of consumer protection can be used as a foundation for understanding the importance of legal intervention in cross-border transactions. John Rawls' theory of justice emphasizes the principle of fairness, which demands that every individual be treated fairly, including when dealing with businesses with greater economic power (Christian, 2025). In cross-border e-commerce transactions, consumers are often in a vulnerable position due to limited access to information, language barriers, and limited knowledge of legal protection mechanisms in the seller's country of origin (Fitriani, 2025). The concept of fairness demands that legal regulations be created to balance the positions of businesses and consumers. Preventive consumer protection legal theory plays a role in preventing losses by regulating transparency standards, system security, and the obligation of service providers to protect consumers' personal data (Priliasari, 2023). Meanwhile, the repressive aspect provides solutions in the form of legal sanctions or compensation mechanisms if consumers experience losses. The application of these two dimensions in the digital space is crucial so that consumer rights are not merely normative but can be effectively enforced.

Cyber law theory further complements the foundations of consumer protection by emphasizing the principle of technological neutrality. This principle teaches that law should be neutral toward specific forms of technology, so that regulations do not become outdated quickly as technology continues to change (Sinaga, 2024). For example, in cross-border e-commerce transactions, payment mechanisms can use bank transfers, digital wallets, and even blockchain technology. Regulations should not only regulate specific types of transactions but also prioritize the principles of data protection, transaction security, and fairness for consumers. Furthermore, the precautionary principle requires regulators and businesses to take preventative measures even if threats are not yet fully proven (Ardelia, 2025). For example, mandatory data encryption or double authentication is required, even though not all consumers have experienced data theft. This principle is crucial because the digital space is highly vulnerable to unpredictable crimes. The application of the precautionary principle also aligns with the state's obligation to protect the rights of its citizens in cross-border electronic transactions. It demonstrates that cyber law theory serves as a foundation that complements consumer protection theory in addressing the development of the ASEAN digital economy.

A legal understanding of the recognition and regulation of cross-border electronic transactions is provided by the idea of cross-border e-commerce. Law Number 19 of 2016 revised Law Number 11 of 2008 on Electronic Information and Transactions, defines electronic transactions and recognizes the validity of electronic documents as valid evidence (Iskandar, 2023). It provides an essential basis for consumers when facing disputes because electronic transactions can no longer be viewed as something informal or not legally binding. Furthermore, the 2019 ASEAN Agreement on E-Commerce emphasized the importance of

promoting digital integration in the region by setting minimum standards for member countries to facilitate cross-border transactions (Muhidin, 2025).

This regional agreement provides a collective legal umbrella to eliminate gaps in consumer protection between countries. This concept provides a relevant basis for recognizing that cross-border transactions are not merely commercial matters but also legal issues that require mutual agreement between countries. Thus, ASEAN consumers can experience more comprehensive protection, although implementation challenges remain.

The link between the concept of cross-border e-commerce and consumer protection theory is increasingly apparent when linked to the issue of fairness. Customers are entitled to correct information, protection of transaction security, and assurance that their personal data will not be misused (Prayuti, 2024). Law Number 8 of 1999 concerning Consumer Protection, which upholds that customers have the right to comfort, security, and safety when using products or services, is consistent with these rights. However, cross-border transactions present a dilemma because business actors may be located in countries with different regulations. It creates a gap in protection that ultimately weakens consumers. By linking Rawls's theory of fairness, the concept of consumer protection must be expanded to encompass the cross-border dimension. ASEAN regulations and national legal instruments need to be combined so that justice does not stop at the local level but is enjoyed by consumers throughout the region. This integration embodies the principle of distributive justice, which emphasizes equal protection.

Personal data protection is an increasingly important aspect in the context of cross-border e-commerce (Pembayun, 2025). Law Number 27 of 2022 concerning Personal Data Protection provides a strong legal basis for Indonesian citizens to prevent their data from being misused. In cross-border transactions, personal data is often transferred to servers located abroad, thus limiting oversight by the country of origin. The risk of data breaches is heightened due to differences in security standards between countries (Ayiliani, 2024). This makes domestic regulations alone insufficient to protect consumers. An international cooperation mechanism is needed to ensure the consistent application of personal data protection across jurisdictions. Digital precautionary theory requires e-commerce service providers to implement the highest security standards to prevent misuse (Pontorondo, 2025). Personal data protection is also linked to consumer trust in using digital services. If protection is weak, consumers will be reluctant to conduct cross-border transactions, which could ultimately hinder ASEAN economic integration.

The relationship between consumer protection legal theory and the Consumer Protection Law is clearly evident in the preventive and repressive aspects. Preventive measures, such as the obligation to provide clear information about the seller's identity, product quality, price, and return policy, are crucial for preventing consumer losses (Al Ghozali, 2024). The repressive aspect provides the basis for claiming compensation when consumers suffer losses due to fraud or defective products (Rachmat, 2024). In cross-border transactions, the repressive aspect is often difficult to implement due to differences in legal jurisdictions. This situation highlights the need for a cross-border dispute resolution mechanism to ensure consumers have access to justice. The combination of preventive and repressive aspects is key to creating a healthy and sustainable e-commerce ecosystem. ASEAN regulations that encourage harmonization of regulations between countries can be seen as an effort to strengthen both aspects. Thus, consumer protection legal theory serves not only as a conceptual framework but can also be realized in the form of regulations that concretely protect consumers.

The principle of technological neutrality is highly relevant to the concept of digital consumer legal protection. Technology-neutral regulations enable the law to remain relevant despite rapid changes in digital innovation (Indarta, 2025). Consumers need assurance that

their rights remain protected, whether using traditional marketplace applications, social media that functions as a trading platform, or new technologies such as NFT or blockchain (Wibowo, 2025).

Technological neutrality prevents regulatory discrimination against specific types of technology that could stifle innovation. However, this neutrality must be balanced with the application of the precautionary principle to ensure consumer security and privacy. This neutral and prudent regulation allows consumers to feel secure in utilizing the various forms of technology available in cross-border markets. Consumer protection ultimately no longer depends on the type of platform, but rather on universal legal principles. With this approach, consumers are guaranteed more stable protection despite the constant change in technology.

The relationship between the background of the problem and the theory used further emphasizes the urgency of legal harmonization in ASEAN. The risks of online fraud, misuse of personal data, and transaction disputes highlight the weaknesses of domestic regulations when faced with cross-border realities. Consumer protection theory, cyber law, the concept of e-commerce, and personal data protection provide complementary frameworks to address this challenge. The ITE Law and the Consumer Protection Law provide the basis for national legal protection, while the PDP Law strengthens the crucial privacy aspect in the digital world. The ASEAN Agreement on E-Commerce provides a collective direction so that consumer protection does not stop at the local level. Legal harmonization is a path to creating regulatory alignment in the region, so that consumers are no longer trapped in gaps in protection between countries. This integration of theory and regulation demonstrates that existing problems cannot be solved partially but require synergy between national and regional laws.

The urgency of legal harmonization in ASEAN is also related to the principle of global justice in the digital age. Consumers in developing countries should not be treated less favorably than consumers in developed countries simply because of differences in regulations. Rawls's theory of fairness provides a moral justification that consumer protection should be distributed fairly regardless of regional differences. ASEAN's collective regulations are a concrete manifestation of this principle, preventing discrimination between countries. Personal data protection regulated by the PDP Law in Indonesia is also part of the global movement towards higher privacy standards, in line with the General Data Protection Regulation (GDPR) in the European Union. Thus, ASEAN consumers can enjoy equal protection compared to other more developed regions. The integration of theory and regulation demonstrates that cross-border consumer legal protection is not only an economic issue, but also a matter of social justice and digital human rights. It is a strong reason why ASEAN must strengthen its collective mechanisms.

## **METHOD**

This study's methodology is normative legal research, which emphasizes literature reviews using a conceptual and statutory approach. Government Regulation Number 80 of 2019 concerning Commerce Through Electronic Systems, Law Number 8 of 1999 concerning Consumer Protection, Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments, and Law Number 27 of 2022 concerning Personal Data Protection are just a few examples of the pertinent legal standards that are examined using the statutory approach at both the national and regional levels, which substantially regulates consumer protection in digital transactions, including aspects of personal data security and dispute resolution mechanisms. In addition, this study also examines regional regulations such as the ASEAN Agreement on E-Commerce, which serves as the basis for legal harmonization efforts in the ASEAN region. Meanwhile, the conceptual approach is used to analyze the concept of consumer legal protection, the principle of fairness in cross-border

transactions, and the idea of legal harmonization between ASEAN member countries. This approach aims to develop a more comprehensive framework for consumer legal protection in the digital era, particularly in the context of cross-border e-commerce, while simultaneously formulating recommendations for more effective regulatory models and cross-border dispute resolution mechanisms. By combining these two approaches, this research is expected to provide theoretical and practical contributions to the development of a legal system that adapts to the dynamics of global digital trade.

## **RESULT AND DISCUSSION**

### **National and Regional Legal Regulations**

The main legal foundation for digital operations, including cross-border transactions, is provided by Law Number 11 of 2008 concerning Electronic Information and Transactions, as revised by Law Number 19 of 2016. Electronic transactions are defined as lawful actions carried out by computers, computer networks, and/or other electronic media in Article 1, number 2 of the ITE Law. The legal recognition of e-commerce transactions that are no longer carried out in person is based on this criteria. The ITE Law's Article 5, paragraph (1) highlights that electronic documents and/or their printouts are acceptable forms of legal evidence. The provision is crucial for ensuring legal certainty when consumers experience disputes with cross-border businesses. Additionally, companies that sell items via electronic systems must give full and correct information about the terms of the contract, the manufacturer, and the goods being supplied, according to Article 9 of the ITE Law. This regulation demonstrates Indonesia's efforts to ensure consumer protection even when transactions are conducted virtually.

However, the implementation of the ITE Law often faces obstacles because legal jurisdiction does not always cover businesses located abroad. The normative foundation for safeguarding consumer rights, particularly in cross-border electronic transactions, is provided by Law Number 8 of 1999 concerning Consumer Protection. Customers have the right to comfort, security, and safety when using products and/or services, according to Article 4 of the Consumer Protection Law. The right to accurate, transparent, and truthful information about the state and warranties of goods and services is also outlined in this article. The right to have grievances and opinions taken into consideration, as well as the right to receive advocacy and dispute resolution, is also included in this article. Business actors also have an obligation, as required by Article 7, to conduct their company in a good faith manner and to give accurate, understandable, and truthful information. These provisions can be applied to cross-border e-commerce transactions because consumer rights are universal. However, law enforcement is often hampered because business actors are located outside of Indonesia's jurisdiction. This weakness emphasizes the need for international cooperation for more effective consumer protection.

By governing the rights of data subjects, Law Number 27 of 2022 concerning Personal Data Protection enhances consumer protection in the digital age. According to Article 4, individuals who are the subjects of personal data have the following rights: the right to access and receive a copy of their personal data; the right to confidentiality of their personal data; and the right to know the precise identity of the party making the request. The right to limit or postpone the processing of personal data, as well as the ability to revoke permission to data processing, are added in Article 5. According to Article 51, paragraph (1), anyone who willfully and illegally divulges personal information that is not theirs faces a maximum penalty of four years in prison and/or a fine of up to IDR 4 billion. The regulation provides a guarantee that consumers whose data is used in cross-border transactions remain protected. However, if consumer data is transferred to servers abroad, Indonesian legal oversight is

limited. It requires cross-border collaboration to ensure equal protection of ASEAN consumers' personal data.

Government Regulation Number 80 of 2019 on Commerce Through Electronic Systems (PMSE) gives more information about what digital business actors have to do. Article 5, paragraph (1) of the PMSE PP states that business actors are required to provide clear identification, including name and address, that is easily accessible to consumers. Article 7, paragraph (1) emphasizes that business actors are required to provide true, clear, and honest information about the products offered. Article 9, paragraph (1) emphasizes the obligation of PMSE providers to protect consumers' personal data. Article 23 regulates consumers' rights to return goods that do not comply with the agreement. This regulation demonstrates Indonesia's comprehensive e-commerce regulations. However, these regulations are domestic in nature and do not bind foreign businesses that continue to transact with Indonesian consumers. It creates a protection vacuum in the event of cross-border disputes.

The 2019 ASEAN Agreement on E-Commerce marked a significant milestone in regional efforts to strengthen cross-border e-commerce. This agreement encourages the elimination of non-tariff barriers to digital transactions and emphasizes the importance of consumer protection in cyberspace. Article 2 of the agreement emphasizes that member countries must facilitate a safe environment for consumers and businesses in e-commerce. It also encourages the adoption of harmonized regulations regarding personal data protection, transaction security, and the recognition of electronic signatures. The primary objective of this agreement is to build consumer trust in cross-border trade within the ASEAN region. However, this agreement remains a soft law, so its implementation is highly dependent on the commitments of each member country. Differences in domestic regulations mean that the application of regional standards is not always consistent across countries.

The ASEAN Digital Masterplan 2025 provides a medium-term digital policy direction for the region. This document emphasizes strengthening digital infrastructure, developing a data-driven economy, and protecting consumers in e-commerce. One of the main priorities is establishing a regulatory framework that supports cross-border transactions while addressing cybersecurity and consumer privacy. The master plan also emphasizes improving digital literacy so that consumers are better prepared to face the risks of online fraud. The ultimate goal is to build an inclusive, secure, and highly competitive digital ecosystem. However, its nature as a strategic guideline makes regulatory implementation highly dependent on concrete actions by member countries. Without binding regulations, consumer protection is often uneven across ASEAN countries. This difference can create legal loopholes that are exploited by irresponsible businesses.

Consumer regulations across ASEAN member countries exhibit significant variations in approach. Malaysia has the Consumer Protection Act 1999, which provides consumer protection, including provisions regarding standard contracts, e-commerce, and consumer dispute resolution. Singapore has the Consumer Protection (Fair Trading) Act, which prohibits unfair trade practices and gives consumers the right to seek compensation for losses suffered. Thailand regulates through the Consumer Protection Act B.E. 2522, which emphasizes consumers' rights to product safety. These regulatory differences reflect the varying levels of development of consumer law in each country. They also highlight the challenges of legal harmonization in ASEAN. Consumers conducting cross-border transactions are often confused about which country's laws to refer to when facing problems.

A comparison between Indonesian national law and ASEAN regulations reveals complementary strengths and weaknesses. Indonesia already has fairly comprehensive regulations, such as the Consumer Protection Law, the Electronic Information and Transactions (ITE) Law, and the Consumer Protection Regulation (PP PMSE). Its strengths include specific regulations regarding personal data, digital business actors' obligations, and

consumers' rights to access accurate information. However, its weakness lies in limited jurisdiction, making these regulations ineffective in ensnaring foreign businesses. ASEAN regulations, such as the ASEAN Agreement on E-Commerce and the ASEAN Digital Masterplan, provide a regional framework, but they are not yet fully binding. This weakness makes consumer protection dependent on the political commitment of member states. The advantage of regional regulations is their ability to create minimum standards that all countries can follow, providing consumers with more equitable protection.

Legal harmonization across ASEAN countries is key to strengthening consumer protection in the digital realm. Without harmonization, each country relies solely on its own domestic regulations, potentially creating legal loopholes. Unscrupulous businesses can exploit differences in standards to avoid legal liability. Legal harmonization allows for the creation of regional standards applicable across member states, so consumers no longer feel disadvantaged simply because transactions are conducted across borders. The ASEAN Agreement on E-Commerce and the ASEAN Digital Masterplan provide initial direction, but more stringent implementation mechanisms are still needed. Indonesia, with its Personal Data Protection Law and the Consumer Protection Law on E-Commerce (PMSE), can serve as a model for other countries to strengthen personal data and consumer protection. Synergy between national and regional regulations will create stronger legal protection for consumers in ASEAN.

### **Analysis of Cyber Legal Protection for Consumers**

The main challenge in protecting consumers in cross-border e-commerce transactions lies in the differences in legal jurisdictions across ASEAN member countries. When Indonesian consumers transact with businesses located in other countries, legal certainty regarding dispute resolution is often unclear because there is no single rule binding on all parties. Law No. 8 of 1999 concerning Consumer Protection guarantees consumer rights, but its implementation is limited to businesses operating in Indonesia. This situation creates potential losses that cannot be fully accommodated by national legal protection mechanisms.

The vulnerability of consumer personal data is an increasingly complex issue in cross-border transactions. Personal information such as addresses, credit card numbers, and shopping histories is vulnerable to exploitation by irresponsible parties when data is transferred between servers in different countries. Law No. 27 of 2022 concerning Personal Data Protection provides a strong legal basis for consumer protection in Indonesia, including the obligation of businesses to maintain data security. However, the law's applicability is limited to national jurisdictions, while consumer data is often processed overseas, creating a protection gap.

The weakness of cross-border law enforcement mechanisms also poses a serious obstacle. In the event of fraud, data misuse, or default, consumers often struggle to access justice due to the limited international legal instruments binding foreign businesses. Mutual legal assistance mechanisms exist, but they are primarily used for serious crimes, rather than digital consumer disputes. As a result, consumers are trapped in a state of legal uncertainty that is detrimental to their position.

The role of the state through strategic institutions is key to strengthening consumer legal protection. The Ministry of Trade plays a role in regulating cross-border trade, including e-commerce, by issuing technical regulations that support transaction transparency. The Ministry of Communication and Informatics is mandated to maintain the security of electronic systems, regulate digital platforms, and take action against data misuse. The Financial Services Authority (OJK) oversees fintech, which is often used as a payment instrument in e-commerce, including consumer protection for digital financial services users.

Synergy between these institutions is crucial to ensure consumers do not face greater risks than businesses.

The implementation of national regulations is the foundation for consumer protection in the digital era. The ITE Law regulates the validity of electronic documents and dispute resolution mechanisms through electronic evidence. The Consumer Protection Law guarantees the right to security, convenience, and safety in transactions. The PDP Law strengthens personal data protection as part of consumer rights. The combination of these three laws should be able to build a solid protection framework, although there are still limitations if violations are committed by business actors abroad.

ASEAN's efforts through the ASEAN E-Commerce Agreement (2019) represent an important step towards regional legal harmonization. This agreement promotes mutual recognition of electronic transactions, data security, and consumer protection. While still a basic framework, this agreement helps minimize regulatory differences between member countries. Consumers at least have a regional basis that cross-border transactions are legally recognized, and efforts are being made to regulate them at the regional level.

The ASEAN Consumer Protection Framework serves as an additional instrument to strengthen digital consumer protection. This framework emphasizes the importance of transparency, dispute resolution mechanisms, and cooperation between consumer protection authorities in each member country. The application of this principle is expected to encourage equality of protection standards, so that consumers from any country are not disadvantaged simply because of differences in national regulations. This harmonization also helps businesses avoid being burdened by numerous differing regulations.

The quality of cross-border dispute resolution mechanisms still needs to be improved. Currently, most consumer disputes in cross-border e-commerce are resolved through platform mediation, for example, through dispute resolution systems in global marketplaces. While this mechanism is practical, it doesn't always favor consumers because it relies on internal company policies. ASEAN needs to develop a binding regional dispute resolution model, either through regional arbitration or a dedicated digital trade court, to provide consumers with a clear path to asserting their rights.

The weakness of national laws in addressing cross-border e-commerce lies in the fragmentation of regulations and weak enforcement. The Consumer Protection Law, the ITE Law, and the PDP Law have not been fully integrated with international trade policy. Law enforcement is also often hampered when cases involve foreign parties. National regulations require strengthening through bilateral and multilateral instruments to address increasingly complex cross-border issues.

Regional legal weaknesses are equally significant. ASEAN instruments are generally soft law in nature, meaning they are more of a moral commitment than a binding legal obligation. This situation creates uncertainty about whether member states will actually implement agreed-upon standards. The urgency of developing an ASEAN Cyber Consumer Protection Framework is becoming increasingly apparent to address these challenges. This framework can strengthen consumer legal certainty while increasing public trust in ASEAN's digital ecosystem, enabling the region to compete globally as a safe and trusted digital marketplace.

## CONCLUSION

Consumer legal protection in cross-border e-commerce transactions in the ASEAN region continues to face various structural and substantial obstacles. In terms of national regulations, Indonesia already has important instruments such as Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments, Law Number 8 of 1999 concerning Consumer Protection, Law Number 27 of 2022 concerning Personal Data

Protection, and Government Regulation Number 80 of 2019 concerning Electronic Commerce. However, these norms focus primarily on the domestic framework and therefore do not fully address consumer protection issues arising from cross-border transactions, such as jurisdictional issues, differences in data protection standards, and the difficulty of law enforcement against foreign businesses. Meanwhile, at the regional level, the ASEAN Agreement on E-Commerce has become a normative instrument that provides a starting point for member countries to regulate digital commerce, including consumer protection.

However, this agreement lacks an assertive binding force in practical implementation, as it relies on internal harmonization and commitment from each member country. Therefore, systematic efforts are needed to strengthen consumer protection mechanisms in the cross-border e-commerce realm, both through legal harmonization at the ASEAN level and the creation of more effective cross-border dispute resolution instruments. Regional legal harmonization is crucial to align consumer protection standards, transaction security, and personal data management, ensuring consumers in the ASEAN region have the same legal certainty even when transacting across jurisdictions. Furthermore, the establishment of a dispute resolution mechanism at the ASEAN level is urgently needed, given that national legal forums often face jurisdictional limitations regarding foreign business actors. Enhanced cooperation between digital trade and personal data protection regulators must also be prioritized through information exchange, joint oversight mechanisms, and the establishment of permanent coordination forums. Thus, legal protection for consumers in cross-border e-commerce transactions in ASEAN can be implemented in a more comprehensive manner, adaptive to technological developments, and aligned with the needs of regional economic integration.

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