

Law Enforcement on Consumer Protection for Online Counterfeit Goods Purchases

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Abstract

The rapid advancement of information technology has brought significant changes to the world of commerce, particularly through e-commerce. Online buying and selling systems offer convenience to consumers, but they also present new challenges, one of which is the increasing circulation of counterfeit goods. In Indonesia, consumer protection regulations are outlined in Law Number 8 of 1999 on Consumer Protection and Law Number 11 of 2008 on Electronic Information and Transactions. However, despite the clear regulations, the implementation of consumer protection in online transactions still faces obstacles, especially in regions such as Samarinda. This study aims to analyze consumer protection laws in Samarinda, focusing on the roles of Non-Governmental Consumer Protection Agency Borneo and the Police. The findings indicate that protection efforts include consumer education regarding their rights and complaint channels to address counterfeit goods cases. However, low consumer awareness remains a major challenge to the effectiveness of these protections. Moving forward, there is a need to enhance education about the risks of online transactions and improve coordination between agencies to minimize online fraud. Consumer protection depends not only on regulations but also on the active role of society and relevant institutions in creating a safer e-commerce ecosystem. Collaboration among agencies, along with heightened consumer awareness, is key to tackling the problem of counterfeit goods in the online marketplace.

Keywords: Consumer Protection; Counterfeit Goods; Online Shopping; Education.

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INTRODUCTION

The rapid improvement in information technology, especially in terms of internet infrastructure, has changed the lifestyle of the Indonesian people, especially in the way they transact. Indonesia, with more than 270 million inhabitants and more than 196 million internet users in 2020, has become one of the largest markets for e-commerce in Southeast Asia, in recent years, better internet access, especially through the use of smartphones, has accelerated the adoption of e-commerce platforms among the public. E-commerce platforms are now the main alternative in making transactions, which were previously more done face-to-face. This has a positive impact on business people in reaching consumers more widely and more efficiently.

Along with the rapid development of e-commerce, various new challenges have emerged, especially related to the security of online transactions. One of the biggest problems is the circulation of counterfeit goods on e-commerce platforms. Cases of fraud related to counterfeit and counterfeit goods are increasingly reported, including products such as electronics, branded clothing, cosmetics, and other goods. Data from Indonesia's Ministry of Communication and Information recorded 167,675 reports of online fraud cases

in 2020.¹ Meanwhile, the National Consumer Protection Agency received more than 1,000 complaints related to e-commerce fraud from 2017 to February 2023.² The sale of these counterfeit goods not only harms consumers financially, but also damages the reputation of the original producer and disrupts the stability of the Indonesian economic market. To overcome this problem, Indonesia has issued regulations in the form of Law Number 8 of 1999 concerning Consumer Protection and Law Number 11 of 2008 concerning Information and Electronic Transactions, which aim to protect consumers from fraud and ensure that online transactions are carried out safely and transparently. Although this regulation already exists, its implementation and enforcement still face various obstacles. One of the main problems faced is the low awareness of consumers about their rights in online transactions. Many consumers do not know how to report fraud cases or do not understand the legal protection procedures available to them. This leads to many fraud cases that are not handled effectively.

Several previous studies have examined the development of e-commerce in Indonesia as well as challenges related to consumer protection in online transactions. A study by Agung et al. (2020) and Desi Sommaliagustina (2018) explains how e-commerce technology brings opportunities for businesses and new challenges related to online fraud. However, these studies focus more on the development of e-commerce platforms and government policies in general, without identifying in depth how effective consumer protection is in certain areas, such as in Samarinda City. Several other studies have also revealed that despite regulations governing consumer protection, implementation on the ground often does not go optimally. In addition, the lack of coordination between the authorities is also an obstacle in tackling cases of online counterfeit goods fraud.

The main limitation of previous studies is the lack of focus on the analysis of the implementation of legal protection against consumers in areas that have a high rate of internet adoption, but facing similar problems in online fraud, such as in Samarinda, with the increasing number of internet users and e-commerce transactions in Samarinda, it is important to conduct more in-depth research on the application of legal protection to consumers in the case of buying and selling Counterfeit goods online. This study aims to explore how consumer protection regulations are implemented in Samarinda, identify the obstacles faced by law enforcement agencies, and analyze solutions that can be taken to improve consumer protection on e-commerce platforms. This study analyzes the concepts of *Das Sein* and *Das Sollen* to analyze the difference between the reality on the ground and the norms that should be applied.³ *Das Sein* refers to the real conditions, namely the implementation of legal protection faced by consumers and related institutions in Samarinda, while *Das Sollen* refers to normative expectations regulated by laws and regulations, such as the Consumer Protection Law and the Electronic Information and Transaction Law. The incompatibility between the two can give rise to injustice and harm consumers, so there needs to be adjustments so that consumer protection can be maximized.

Through this research, the author hopes to make a clearer contribution on how legal protection for consumers can be more effectively applied in e-commerce transactions,

¹ (Kominfo, Kominfo Catat Kasus Penipuan Online Terbanyak: Jualan Online, 2021) <https://www.cnnindonesia.com/teknologi/20211015085350-185-708099/kominfo-catat-kasus-penipuan-onlineterbanyak-jualan-online>.

² (Bestari, Korban Penipuan Ecommerce RI Makin Banyak, Cek Data Terbaru!, 2023) <https://www.cnbindonesia.com/tech/20230302140853-37-418315/korban-penipuan-ecommerce-ri-makinbanyak-cek-data-terbaru>.

³ R R Lyia Aina Prihardiati, "The Legal Theory of Development between *Das Sein* and *Das Sollen*". *HERMENEUTICS: Journal of Legal Studies* 5, no. 1 (2021): 84-97. DOI: <https://doi.org/10.33603/hermeneutika.v5i1.4898>

especially in Samarinda. This research is also expected to propose strategic steps in improving consumer education, strengthening existing regulations, and increasing synergy between institutions that play a role in law enforcement, such as the Non-Governmental Consumer Protection Agency and the Police. This research will provide a new understanding of the importance of consumer protection in the context of the rapidly growing e-commerce in Indonesia, as well as identify the best solutions to overcome existing problems. As part of this research, it is important to identify the problems at hand and the objectives of this research. This research will focus on how to protect consumers from counterfeit goods sold online, as well as strengthen the existing legal protection system, so as to review and analyze existing obstacles and provide relevant recommendations to optimize consumer protection in e-commerce in Indonesia.

METHODS OF THE RESEARCH

This study uses an empirical legal research method with an analytical descriptive approach to analyze the effectiveness of law enforcement against cases of counterfeit goods fraud that occur in online transactions in Samarinda City. This method aims to describe in detail how the implementation of consumer protection, especially against counterfeit goods, is carried out by relevant institutions, such as the Borneo Non-Governmental Consumer Protection Agency and the Samarinda Police. The approach is to conduct direct observation through interviews and questionnaires to obtain more accurate information about the conditions on the ground and the response of law enforcement agencies in dealing with the problem. The location of the study was determined in Samarinda City, on the grounds that there are rampant cases of online counterfeit goods buying and selling fraud that result in financial losses for consumers. The respondents in this study were individuals who had experience in online shopping or using social media to make transactions, while the resource persons consisted of legal experts and related parties in consumer protection institutions and the police. Primary data was collected through interviews and questionnaires, while secondary data was obtained from relevant literature, including relevant laws and regulations and previous research. This researcher analyzed the data using qualitative analysis by grouping the data based on the type and problems found, then comparing it with the applicable legal theory. The data obtained from interviews and questionnaires will be described in a descriptive form to provide a clear picture of the effectiveness of legal protection for consumers. The results of this analysis are expected to provide a better understanding of the efforts made by related institutions in law enforcement against online counterfeit goods fraud cases in Samarinda City.

RESULTS AND DISCUSSION

A. Law Enforcement by the Borneo Non-Governmental Consumer Protection Agency and the Samarinda City Police

The Borneo Non-Governmental Consumer Protection Institute is a non-governmental organization established in 2015 in East Kalimantan. The institution has a primary focus on the protection of consumer rights, particularly in cases involving online fraud. Based on the author's interview with the Chairman of the Borneo Non-Governmental Consumer Protection Agency, overall, the Borneo Non-Governmental Consumer Protection Agency has carried out most of its responsibilities well, in accordance with the principles and provisions set forth in the Consumer Protection Law. This institution shows a high

dedication to protecting the rights of consumers and ensuring that all services provided are in accordance with existing regulations.

However, there are still several challenges that need to be overcome to increase the effectiveness of consumer protection in Samarinda City, especially in handling cases of buying counterfeit goods online. The main obstacles faced by the Borneo Non-Governmental Consumer Protection Institute are limited resources, difficulties in tracking business actors outside the region and those who use fake identities, and low consumer awareness. Even so, the Borneo Non-Governmental Consumer Protection Institute has made efforts to provide solutions through mediation, public education, and the provision of an easy-to-reach reporting mechanism. These measures are expected to be able to minimize the risk of online fraud and increase public trust in existing legal protections.

Furthermore, the author also conducted an interview with the Samarinda City Police regarding law enforcement against consumer protection for the purchase of counterfeit goods online. Overall, this interview shows that the Samarinda Police strives to enforce the law and protect consumers in accordance with the provisions stipulated in the Electronic Information and Transaction Law and the Consumer Protection Law. However, the challenges faced, such as perpetrator tracking and public awareness, point to the need for better collaboration between the police, consumer protection agencies, and the public to create a safer environment for consumers in the digital age. The Samarinda Police should also pay attention to victims with small losses, by providing a fair role regardless of the size or size of the loss, which can increase public trust in Law Enforcement.

B. Evaluation of the Effectiveness of Consumer Protection through Questionnaire Data

The authors conducted a survey to assess public knowledge of laws that provide consumer protection and consumer rights. In addition, this study aims to assess how effective law enforcement is in the field, whether it has run in accordance with current conditions and provides sufficient protection for consumers when they make transactions online.

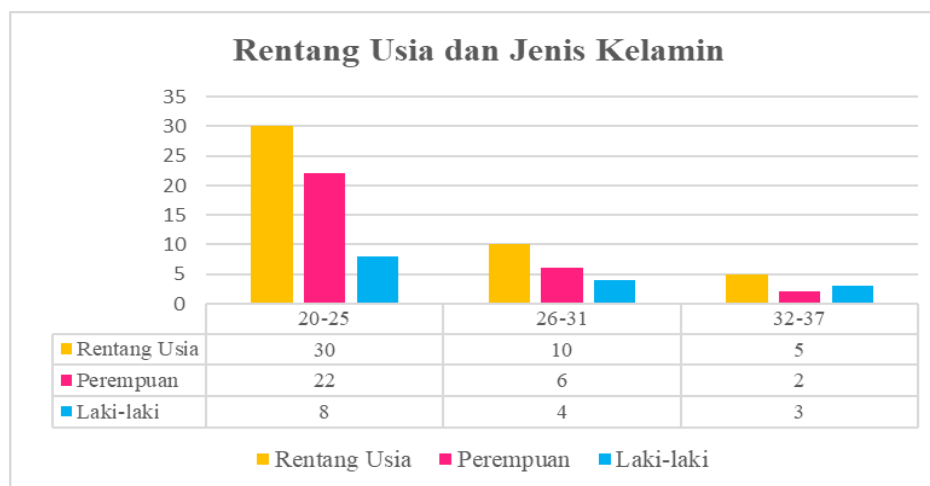


Figure 3.1 Graph Age Range and Gender of Respondents (Source: Google Form, 2024)

Based on graph 3.1 above, it can be seen that out of the total number of respondents of 45 people, the highest number of respondents is in the age range of 20-25, which is 30 people, and the lowest number of respondents is in the age range of 32-37, which is 5 people. Then,

with the highest number of online buying and selling transaction frequencies is sometimes (how many times a month) which can be seen in the picture below

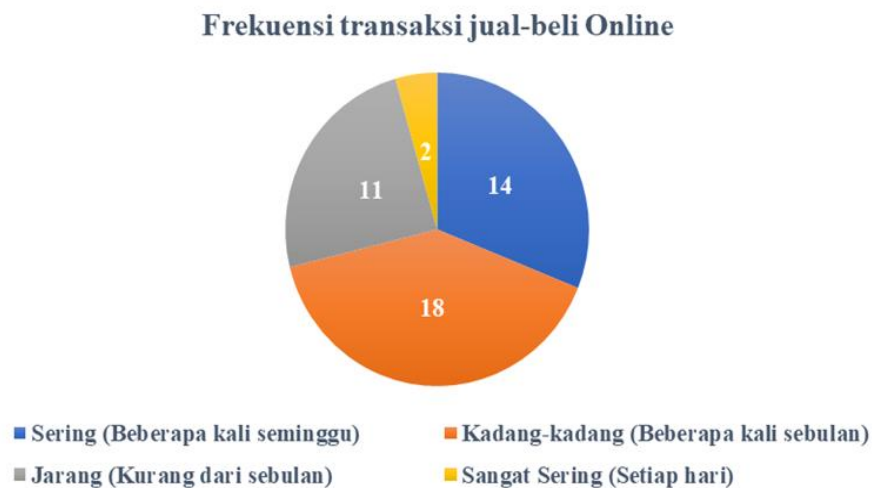


Figure 3.2 Graph of the frequency of Online Buying and Selling Transactions (Source: Google Form, 2024)

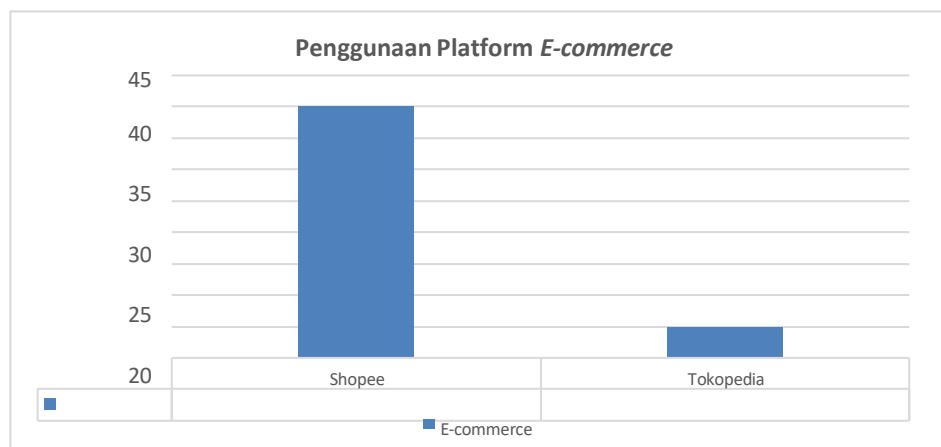


Figure 3.3 Graph of E-commerce Platforms Used (Source: Google Form, 2024)

Dapat dilihat dari gambar 3.2 dan gambar 3.3 diatas, dari total jumlah responden sebanyak 45 orang, mayoritas responden menggunakan Shopee sebagai platform yang paling sering digunakan dalam melakukan jual beli *online*. Kemudian, transaksi jual-beli *online* tidak hanya pada platform *e-commerce* saja, namun dapat dilakukan juga pada platform sosial media sebagai media transaksi jual-beli *online*. Dengan platform sosial media yang paling banyak digunakan dalam melakukan aktivitas jual-beli *online* adalah Tiktok dengan jumlah responden yaitu 25 orang sedangkan Facebook menjadi platform sosial media paling jarang digunakan oleh responden yaitu dengan jumlah 3 orang seperti grafik 3.4 berikut:

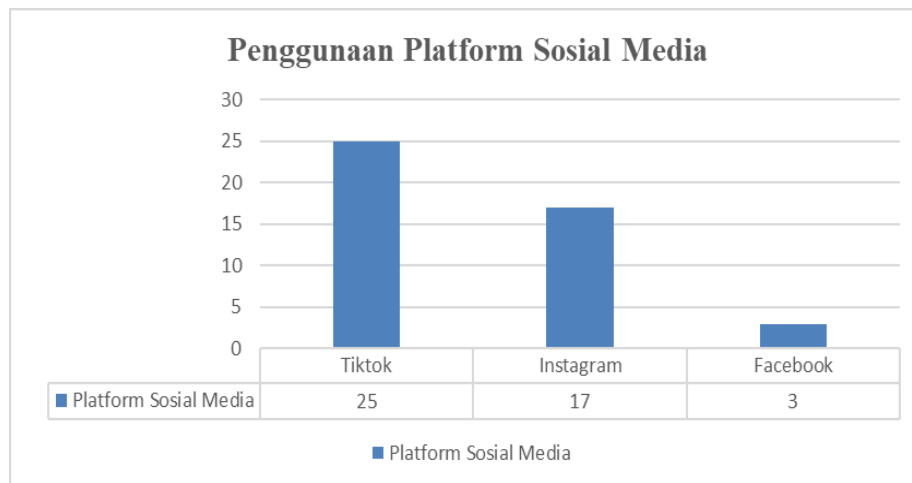


Figure 3.4 Graph of Social Media Platforms Used (Source: Google Form, 2024)

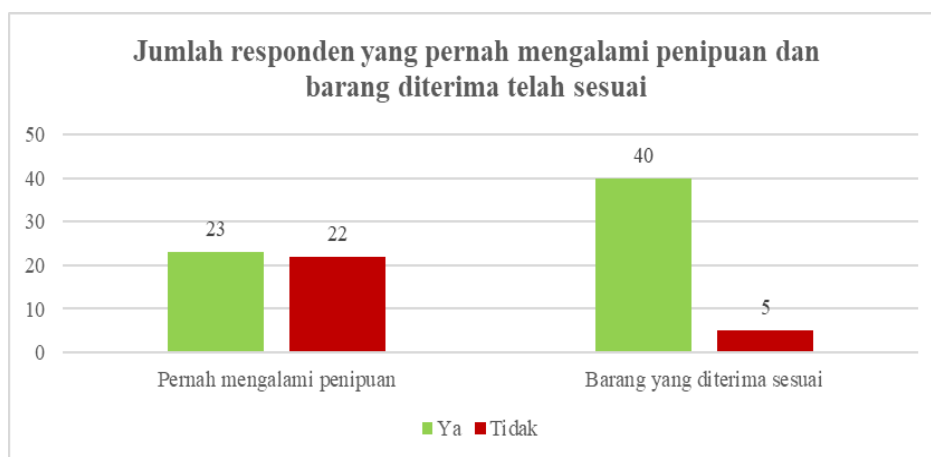


Figure 3.5 Graph of the Number of Respondents Related To The Experience of Fraud and Goods Received (Source: Google Form, 2024)

Furthermore, it can be seen from graph 3.5, that as many as 23 people have experienced fraud when making *online* transactions. However, even if it is like that, the majority of respondents, namely as many as 40 people when the goods they bought with *online* transactions received the goods according to what has been described. The forms of fraud accepted are as follows:

Table 3.1 Forms of Fraud

Items Not Matching Photos/Descriptions	Damaged Goods	Fictitious business actors/Runaway business actors	Goods Not Delivered/Received	Never
14	3	6	4	18
TOTAL			45	

Source: Google Form, 2024

Based on table 3.1, it can be seen that the most or most frequently accepted forms or types of fraud are goods purchased when received not in accordance with the photo or not in accordance with what has been described with a total of 14 people, fictitious business actors or escaped business actors 6 people, goods not sent or received 4 people, the condition of

damaged goods 3 people and for respondents who have never experienced fraud as many as 18 people.

Fraud is an act that can have a big impact, especially in terms of material losses, and is usually done with a plan to trick the victim into handing over money, goods, or other valuable assets and often the victim loses a small amount. However, it is not uncommon for the case of goods received not to be in accordance with the buyer to be held accountable by business actors as in the following table 3.2:

Table 3.2 Material Losses and Forms of Liability

Total Material Loss					Form of Responsibility	
Not Ever	<100.000	100.000-500.000	500.000-1.000.000	More than 1.000.000	Return funds or Replacement thing	Never Get/Not Ask Compensation
22	6	8	4	5	39	6
TOTAL				45	TOTAL	45

Source: Google Form, 2024.

Based on table 3.2 above, as many as 22 people answered that they had never experienced a loss. However, 6 people answered a loss of less than Rp100,000, 8 people answered a loss between Rp100,000 and Rp500,000, 4 people answered a loss between Rp500,000 and Rp1,000,000, and 5 people answered a loss of more than Rp1,000,000. This data shows a diverse distribution of the impact of losses, with most respondents not experiencing losses, but others experiencing significant losses.

An important step to uphold justice and prevent further losses is to report fraud to the authorities. The victim should clearly explain how the event occurred, include evidence such as relevant conversations, documents, or transactions, and ensure the report is officially recorded. By involving the police, it is hoped that the perpetrators will be arrested immediately and the lost assets can be recovered. This step also helps prevent such things from happening to others.

Table 3.3 Respondents' Reasons for Reporting

Report	Not Reporting	Alasan tidak melaporkan				
		Complicated/Lazy	Skeptis	Getting compensation	Letting go	No excuse/never
1	44	10	7	3	3	21
TOTAL: 1		TOTAL				44

Source: Google Form, 2024.

Based on table 3.3, 44 people out of 45 people answered that they had never reported cases of online fraud to the authorities for various reasons. The most widely conveyed reason was because the reporting was considered complicated or reluctant to report because they were lazy with the number of respondents of 10 people, then the next reason was a feeling of skepticism about the performance of the authorities in handling the case with a total of 7 people, while the other reason was that the respondents had received compensation from

business actors or from the *e-commerce* party and gave up the losses obtained with each of the number of respondents 3 people, and 21 other people answered that there was no reason why they did not report or also because they had never experienced a case of online transaction fraud.

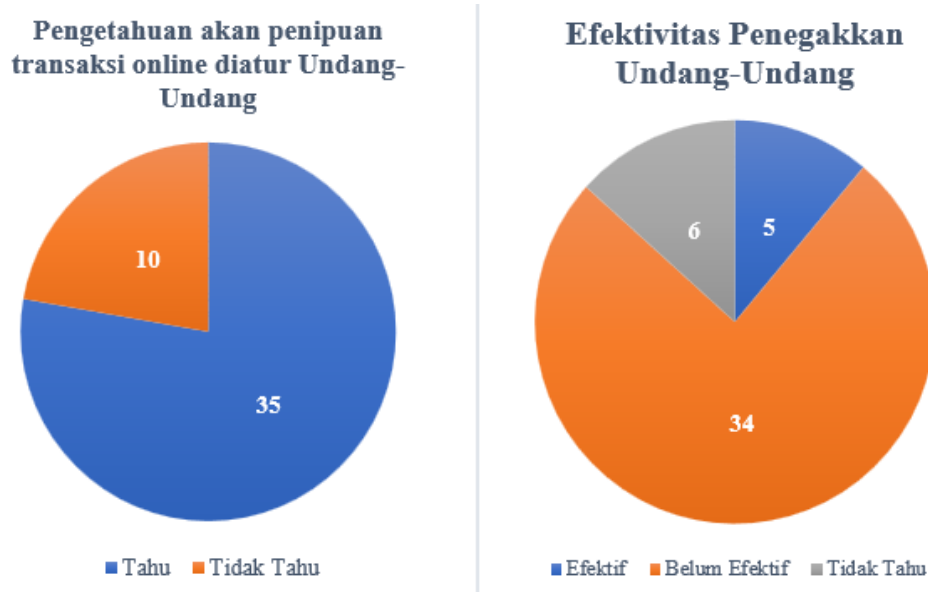


Figure 3.6 Graph of Community Knowledge and Law Enforcement Effectiveness (Source: Google Form, 2024)

Based on graph 3.6 above, as many as 35 people have known that fraud in transactions is regulated in the Law, but there are 10 people who answered that they do not know that fraud in online buying and selling transactions has been regulated in the Law. Then, as many as 34 people answered that the enforcement of the Law was not considered effective enough, then 5 other people answered that the enforcement of the Law had been effective and 6 other people answered that they did not know.⁴² Judging from the results of the data presented by the author, the frequency of online buying and selling transactions was most often carried out by respondents in the categories "Often (Several times a week)" and "Sometimes (Several times a month)". This shows that the majority of consumers in Samarinda City are quite active in making *online* transactions, with varying intensities but tend to be frequent. In addition, there are a small number of respondents who fall into the categories of "Rarely (Less than a month)" and "Very Often (Daily)". This reflects the variation in consumer behavior in utilizing *e-commerce* as a means of transaction. The "Rare" category indicates groups that may still have doubts or have certain barriers to *online* transactions, such as security, convenience, or trust.

It can also be seen that many respondents are aware of regulations that regulate consumer protection such as the Consumer Protection Law and the Electronic Information and Transaction Law, but feel that the effectiveness of these laws is still not optimal. This shows that although the Consumer Protection Law and the Electronic Information and Transaction Law are still relevant today as the legal basis for consumer protection, their implementation in the field still faces various obstacles. These obstacles can be in the form of a lack of firm law enforcement, long and complicated legal processes, and a lack of understanding of consumers regarding the mechanisms for protecting their rights. As a result, consumers

who suffer losses in *online* transactions are often reluctant or do not report their cases, so the effectiveness of the Consumer Protection Law in providing protection has not been fully felt. Efforts are needed to strengthen the implementation of the Consumer Protection Law, including providing broader education to the public about their rights as consumers, as well as increasing synergy between the government, law enforcement, and consumer protection agencies. The policy hopes that the effectiveness of the Consumer Protection Law in the field can be improved to face the challenges of the increasingly complex development of *online* transactions.

C. What is the Form of Legal Protection for Consumers in the Case of Buying and Selling Counterfeit Goods Online

Legal protection for consumers in the case of buying and selling counterfeit goods online can be divided into two types, namely preventive protection and repressive protection. Preventive protection includes measures taken to prevent fraud or the sale of counterfeit goods before a transaction is made. This includes consumer education on how to recognize genuine products, an understanding of consumer rights, and information about trusted buying and selling platforms. In addition, e-commerce platform providers are also expected to implement a seller verification system and provide labels or certifications on products that have been guaranteed authenticity.

Repressive protection, on the other hand, focuses on legal action that can be taken after a violation has occurred. This includes a complaint mechanism that can be accessed by consumers who feel aggrieved, as well as legal sanctions for sellers who are proven to be selling counterfeit goods. So that consumer protection agencies and law enforcement officials play an important role in following up on reports and conducting investigations into sales practices that are detrimental to consumers, with these two aspects of protection, it is hoped that consumers can feel safer and more protected when making transactions on the internet, and can minimize losses that may arise from the sale of counterfeit goods.

CONCLUSION

The Borneo Non-Governmental Consumer Protection Agency also plays a role in providing education and legal assistance to consumers who are victims of online fraud. Meanwhile, the Samarinda Police plays a role in enforcing the law for cases that contain criminal elements, such as fraud and the spread of false information. However, the implementation of this legal protection still faces various obstacles, one of which is consumers' ignorance of their rights and the complicated complaint process. Legal protection for consumers can be divided into two types, namely preventive and repressive protection. Preventive protection aims to prevent violations before transactions take place, through efforts such as consumer education and supervision of business actors. The Borneo Non-Governmental Consumer Protection Institute plays an active role in providing socialization about the importance of being careful in online transactions, especially on social media that is minimally supervised. Meanwhile, repressive protection is provided after the violation occurs, through complaints, mediation, and law enforcement. The Borneo Non-Governmental Consumer Protection Agency facilitates the mediation process between consumers and business actors, while the Samarinda Police handles criminal acts that occur. However, technical obstacles such as difficulties in tracking fictitious business actors and the completeness of evidence are still the main obstacles in the implementation of repressive

protection. Based on the findings of the study, there are several steps that need to be taken to improve legal protection for consumers in cases of buying and selling counterfeit goods online. First, education to consumers must be more intensive through various media, such as social media campaigns, seminars, and extension programs. Second, there is a need for increased coordination between institutions, such as the Borneo Non-Governmental Consumer Protection Institute, the Samarinda Police, and local governments, to overcome technical obstacles in tracking online business actors. Third, the complaint system needs to be improved to make it more accessible to consumers and transparent. Fourth, supervision of digital platforms, especially social media, must be tightened with the implementation of a seller identity verification system. Finally, stricter and more consistent law enforcement is needed to provide a deterrent effect to irresponsible business actors, ensuring that every consumer receives the protection they deserve.

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