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Legal Protection of Consumers' Personal Data in E-Commerce Transactions on The Tokopedia Platform

ABSTRACT

This study discusses the legal protection of consumers' personal data in e-commerce transactions with Tokopedia as the context of the study. The research problem is how the rules for personal data protection are applied normatively and how the responsibility of platform operators and the choice of legal remedies for consumers. The research uses normative legal methods with a statutory and conceptual approach. Legal materials were obtained through literature studies of regulations and books as well as scientific articles as well as relevant public documents. The results of the study show that Law Number 27 of 2022 concerning Personal Data Protection provides a basis for protection through the regulation of data subject rights and legal processing basis, security obligations, and the liability of controllers and processors. These rules need to be understood together with the provisions for consumer protection and the implementation of electronic systems and commerce through electronic systems. Legal responsibility cannot be determined only from the name of the platform but must look at the real role of each party in determining the purpose and method of data processing. Consumers have the space to ask for explanations, use data rights and submit complaints and pursue dispute resolution in accordance with applicable regulations. The research concludes that effective protection requires preventive measures and information disclosure as well as procedures for handling incidents and restoring easily accessible rights. This study is normative so it does not directly assess the security of Tokopedia's internal systems. The recommendations are directed at increasing platform accountability and understanding of sustainable consumer rights.

Keywords: personal data protection; consumer; e-commerce; Tokopedia; normative legal research

INTRODUCTION

The development of the internet has changed people's transaction patterns from direct meetings to transactions through electronic systems. The Central Statistics Agency (BPS 2025) noted that 72.78% of Indonesia's population will access the internet in 2024 from 69.21% in 2023. The expansion of internet use has brought e-commerce transactions closer to daily life while increasing the amount of personal data processed in digital services. Data such as names and addresses as well as phone numbers as well as account information or payment support data can be needed in a series of transactions so that the protection of consumer data is an important part of legal certainty in the digital space.

The magnitude of digital trade activities can also be seen from the value of e-commerce transactions. The Trade Policy Agency of the Ministry of Trade (2026) recorded that the value of Indonesia's e-commerce transactions in 2024 amounted

to IDR 1,288.93 trillion, an increase of 17.08% compared to 2023. This value includes various online trade channels and not just the value of Tokopedia transactions. This condition shows that the growth of the digital economy goes hand in hand with the increasing need for clear data governance. In the context of consumer protection, Sjahputra (2021) and Latianingsih (2023) emphasized the importance of protecting consumer rights in electronic transactions, while Santoso (2023) placed consumer data protection as one of the main issues of information technology-based business law.

Tokopedia was chosen as the context of the study because it had been the subject of public attention related to the alleged leak of user data in 2020. The government's informatics application statistical document also records civil cases related to the dissemination of Tokopedia user data and its litigation process (Ministry of Communication and Information 2023). The 2020 event is used only as a historical background to show the risk of data protection in digital transactions. This study does not apply Law Number 27 of 2022 concerning Personal Data Protection retroactively to assess the 2020 event, but uses the law to analyze the legal framework of data protection in force today.

Normatively, the protection of personal data is related to the right to personal protection as guaranteed by Article 28G paragraph (1) of the Constitution of the Republic of Indonesia of 1945. The current special regulation is contained in Law Number 27 of 2022 concerning Personal Data Protection regulating the rights of data subjects and the basis of processing as well as the obligations of controllers and processors as well as accountability mechanisms. The framework also needs to be read together with Law Number 8 of 1999 concerning Consumer Protection, Law Number 11 of 2008 concerning Information and Electronic Transactions as last amended with Law Number 1 of 2024, Government Regulation Number 71 of 2019 and Government Regulation Number 80 of 2019. For trade through electronic systems in 2026, Regulation of the Minister of Trade Number 19 of 2026 has come into effect and revokes Regulation of the Minister of Trade Number 31 of 2023.

The conceptual framework of this research is strengthened by literature discussing data protection and cyber law as well as consumer protection. Rosadi (2023) describes the structure of data subject rights and the obligations of controllers and processors based on the PDP Law. Budhijanto (2023) connects data protection with cyberlaw and cybersecurity, while Persadha (2024) discusses the challenges of implementing the PDP Law and the need for stronger governance. Sjahputra (2021) and Latianingsih (2023) and Santoso (2023) provide a basis for looking at the relationship between consumers and business actors as well as electronic transactions and legal risks in cyberspace. The literature is used in a complementary manner and does not replace the position

of laws and regulations as primary legal material.

Previous research shows that the issue of personal data protection has been studied from several angles. Sylfia et al. (2021) specifically discussed PT Tokopedia's juridical liability for the leak of personal data and consumer privacy, but the study was published before the 2022 PDP Law. Putri and Bachelor (2023) discussed the protection and legal remedies for consumers who are victims of personal data leakage and misuse, while Fauzy and Shandy (2023) placed the right to privacy and legal politics of the PDP Law as the basis for protection. The three studies show that digital consumer protection is related to legal rights and obligations but is in different regulatory focuses and periods.

The next study highlights the quality of consent and the position of consumers as well as the obligations of system operators. Indriani and Putri (2023) show the limitations of consent given without adequate understanding and offer the concept of dynamic consent. Maharani and Prakoso (2024) discuss data protection by electronic system operators, including privacy policies and preventive measures. Wirayoga and Wisanjaya (2024) examine the position of relatively weak e-commerce consumers in data management. These findings reinforce the importance of transparency and lawful processing bases as well as security and accountability. However, each has not specifically combined all of these elements with mapping the legal role of the parties on one platform.

Other research expands the discussion to the data processing and governance stage. Marischa and Setianingrum (2024) examine the transfer of personal data of e-commerce companies based on the PDP Law; Kurniasandi et al. (2024) map data protection regulations in the use of e-commerce services; and Putra et al. (2024) identify risks at various stages of consumer data processing. Kusuma et al. (2025) discuss data protection in the purchase of goods in the marketplace. Meanwhile, Hetharie et al. (2025) offer a model for consumer data protection for digital MSMEs and Savitri et al. (2025) discuss the urgency of privacy reliability certificates as part of data leak prevention. The overall study shows the development of the discourse from general protection to Governance and Risk and more specific prevention.

Based on previous research, the research gap in this study is not because Tokopedia or personal data protection has never been researched. The gap in the study lies in the need to update the analysis after the enactment of the PDP Law and changes in electronic commerce provisions in 2026 while systematically linking consumer rights and the basis of processing as well as the legal position of the party processing the data and the form of breach of obligations and remedies options in one platform context. This study distinguishes preventive protections such as transparency and restriction of purposes as well as the basis

for processing and securing data from repressive protections such as incident and complaint notification as well as dispute resolution and compensation claims. Tokopedia's analysis is limited to regulations and public documents can be verified so that the research does not conclude internal technical compliance without audits or empirical evidence.

On this basis, this research is directed to answer two problems: (1) how to regulate legal protection of consumers' personal data on the Tokopedia platform based on the PDP Law and regulations related to consumer protection and electronic transactions; and (2) how the construction of the legal responsibility of the platform operator and legal remedies can be taken by consumers in the event of a violation of their personal data. The purpose is to describe the rights of consumers, explain the obligations of parties to process data and analyze the forms of protection and legal remedies available. The selection of normative legal research is based on the character of the issue centered on norms and principles as well as legal doctrines as explained.

Marzuki (2021) and Muhaimin (2020). Thus, the contribution of this research is to provide a more targeted and up-to-date analysis of the relationship between consumer rights and the responsibilities of parties in e-commerce transactions in the context of Tokopedia.

METHODS

This research uses a type of normative legal research. Normative legal research was chosen because the focus of the study lies in the legal norms that govern the protection of consumers' personal data and electronic transactions as well as consumer protection and the responsibilities of parties in the e-commerce ecosystem. Marzuki (2021) explained that legal research is directed to find legal rules and legal principles and doctrines that can be used to answer legal issues. In line with that, Muhaimin (2020) places normative legal research as research based on legal materials and analysis of the norm system. Therefore, this study does not use surveys and interviews or statistical measurements of Tokopedia users.

The approach used is a statute approach and a conceptual approach. The legislative approach is carried out by examining the relationship between the 1945 Constitution of the Republic of Indonesia and Law Number 8 of 1999 concerning Consumer Protection as well as Law Number 27 of 2022 concerning Personal Data Protection and the ITE Law as recently amended by Law Number 1 of 2024 and Government Regulation Number 71 of 2019 as well as Government Regulation Number 80 of 2019 and Regulation of the Minister of Trade Number

19 of 2026. The conceptual approach is used to understand the concept of legal protection and the rights of data subjects as well as data controllers and processors, accountability or legal redress. Marzuki (2021) explained that the legislative approach is used by examining regulations related to legal issues while the conceptual approach helps build arguments from concepts and doctrines that develop in legal science.

The research legal material consists of primary and secondary legal materials and supporting materials. The primary legal material includes relevant laws and regulations. Secondary legal materials include law books and scientific journal articles discussing personal data protection and cyber law as well as consumer protection as well as electronic transactions or legal research documents. Public documents can be verified such as government statistics as well as privacy policy documents and terms of use dated platforms and official documents related to the case, are used to a limited extent as context support materials. Muhaimin (2020) explained that secondary legal materials help to provide explanations for primary legal materials and enrich research arguments.

The technique of collecting legal materials is carried out through literature studies and document searching. Materials are collected by identifying regulations and books as well as journal articles and public documents relevant to the two problem formulations and then selected based on the authority of the source and the novelty and their relevance to the issue analyzed. Documents regarding Tokopedia are used only when the source and time can be checked. This step is important to distinguish between historical facts and norms that apply at the time of the event and norms that apply when the research is conducted.

The analysis was carried out in a qualitative-prescriptive manner through a systematic interpretation of the relationship between regulations and the association of norms with the concept of legal protection and previous research findings. The analysis stage includes: identifying consumer rights as data subjects; mapping obligations based on the legal role of each party; assessing the relationship between preventive obligations and consequences when obligations are not met; and formulating available legal remedy options. Conclusions are drawn deductively from general norms and concepts towards answers to more specific legal issues. In accordance with the character of legal research, the results of the research are directed to legal arguments and prescriptions, not to claims about the technical effectiveness of Tokopedia's internal systems that have not been empirically tested (Marzuki, 2021; Muhaimin, 2020).

RESULTS AND DISCUSSION

This research aims to explain the personal data protection arrangements consumers in e-commerce transactions and forms of legal responsibility when consumer rights are violated. Because the research was conducted normatively, the results presented are not survey numbers or technical assessments of Tokopedia's security. The results are a mapping of legal rules and reasoning about rights and obligations as well as recovery routes can be used by consumers.

The results of the study show that the right to personal personal protection has a constitutional basis in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia. More specific protection is provided through Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). In e-commerce transactions, the rules are related to the Consumer Protection Law, the ITE Law and its amendments, and Government Regulation Number 71 of 2019 as well as Government Regulation Number 80 of 2019 and Trade Regulation Number 19 of 2026. One regulation does not stand alone but complements each other according to its scope.

Table 1. Mapping of Legal Materials and Their Protective Functions

Legal materials	Results of the normative analysis
The 1945 Constitution of the Republic of Indonesia, Article 28G, paragraph (1)	Serves as the constitutional basis for the protection of personal privacy
Law Number 27 of 2022	Governing data subject rights, the legal basis for processing, the obligations of controllers and processors, and legal consequences.
Law Number 8 of 1999	Forms the basis for consumer rights regarding safety, accurate information, and dispute resolution.
The ITE Law, in conjunction with Law Number 1 of 2024 and Government Regulation Number 71 of 2019	Regulating the framework for electronic transactions and the obligations for operating electronic systems.
Government Regulation Number 80 of 2019 and Minister of Trade Regulation Number 19 of 2026	Providing a framework for trade via electronic systems and the supervision of business operators.

Sources: analysis of law regulatory

From this mapping, there are two forms of legal protection that can be distinguished. Preventive protection is directed to reduce the risk before a violation occurs, for example through the provision of easy-to-understand information and the basis for lawful processing as well as restrictions on the use of data according to the purpose and data security. Repressive protection is

needed when there is an alleged violation, for example through incident notification and complaints as well as dispute resolution and compensation claims based on applicable legal requirements.

The PDP Law places consumers as the subject of personal data and have the right to data about themselves. In practice, transactions data necessary for the delivery of goods or communication may not automatically be used for all other needs. Each Processing activities must have a lawful legal basis and comply with the principles of processing, including openness and restriction of purpose. Consent is one of the grounds for processing but is not the only basis that can be used in accordance with the law.

The results of the study also show the need to distinguish between personal data controllers and personal data processors. The controller is the party that determines the purpose and controls the data processing while the processor processes the data on behalf of the controller. In a single marketplace transaction, platforms and sellers and payment providers or delivery services can be involved. The responsibilities of each cannot be immediately equalized; the determination depends on the role and basis of the relationship and the actual processing action is carried out.

In the event of a failure to protect personal data, the PDP Law regulates the obligation of written notification by the controller to the data subject and institution in accordance with its provisions, no later than 3 x 24 hours. The notification must explain the data disclosed as well as the time and manner of its disclosure as well as the handling and recovery efforts. This provision is important because consumers need information to reduce the possibility of data misuse after an incident.

Table 2. Relationship Between Risk, Legal Liability, and Consumer Redress

Legal Situation	**Relevant Obligations or Rights**	**Protection Objectives**
Data collection during transactions	Lawful basis for processing; information regarding the purpose and necessity of data collection	Preventing excessive data collection
Use or sharing of data	Purpose limitation, transparency, and the safeguarding of personal data	Reducing the risk of data misuse
Requests from data subjects	Exercise of data subject rights, subject to the conditions and exceptions stipulated in the Personal Data Protection (PDP) Law	Giving consumers control over their personal data
Data protection failures	Notification and handling procedures in accordance with the PDP Law	Helping to prevent further harm

Losses resulting from breaches	Complaints, dispute resolution, and claims based on evidence and legal provisions	Providing consumers with access to redress mechanisms

Source: Researcher's normative analysis based on the Personal Data Protection (PDP) Law and related regulations (2026).

In the context of Tokopedia, the alleged data leak incident in 2020 can be used as a historical example of the magnitude of the risk of using digital platforms. However, this incident cannot be immediately assessed as a violation of the 2022 PDP Law because the regulation was not yet in effect when the incident occurred. This study also does not conclude that there are any recent violations or assess whether Tokopedia's internal security measures are adequate and because no audits and system checks or internal data collection are carried out.

Thus, the results of the study answer the first question that consumer data protection has a multi-layered legal basis. The answer to the second question is that liability must be determined based on the legal position and violation of the obligations of each party, while the consumer's recovery option needs to consider the evidence and the form of loss as well as the available procedures.

Discussion

The results of the study show that the main problem of data protection in the marketplace is not only the existence or absence of rules but how each consumer right is translated into a clear obligation for the party processing the data. The framework of the PDP Law becomes more meaningful when read together with the consumer protection law and the electronic transaction law. The three fields have a common point on consumer trust and clarity of information as well as the accountability of business actors.

In terms of preventive protection, this study is in line with the discussion by Indriani and Putri (2023) regarding the importance of consent that is well understood by data owners. However, this study places consent as part of a broader framework because the PDP Law also recognizes other legal processing grounds. This means that protection is not enough just by providing a consent box, but must be accompanied by an explanation of the purpose of data use and security measures as well as how users exercise their rights.

This study also has a connection with Maharani and Prakoso (2024) discussing data protection by electronic system operators, and Wirayoga and Wisanjaya (2024) highlight the position of consumers in e-commerce. Both

reinforce the view that information inequality can make consumers' positions less strong. Therefore, privacy policies need to be written in easy-to-read language and not just formally available.

In terms of responsibility, Sylfia et al. (2021) discuss the juridical responsibility of PT Tokopedia in the context of data leaks before the PDP Law was born. This research differs in the point in time and the framework of the analysis because the 2022 rules are used to understand current obligations, not to impose retroactive legal judgments on the 2020 events. The difference in the time of the enactment of the rules is important so that the discussion does not provide conclusions that exceed the legal basis.

The discussion by Putra et al. (2024) on the risks at the data processing stage and Marischa and Setianingrum (2024) on data transfer adds to the argument that protection must follow the data journey from collection to deletion or transfer. This study expands this relationship by mapping the roles of controllers and processors. For example, a platform may be in contact with several service partners in a single transaction, but legal obligations must be examined based on who determines the purpose and manner of processing on certain activities.

In the discussion of legal remedies, the research of Putri and Bachelor (2023) is relevant because it explains protection for victims of data leakage and misuse. The results of this study confirm that the existence of an incident does not automatically prove the amount of loss and responsibility of each party. Consumers who file lawsuits need to prepare evidence of events and relationships with the sued party as well as the form of violation or loss requested for recovery. The complaint and other channels of complaint or mechanism must be chosen according to the competence of the institution and applicable provisions.

Changes to electronic trade regulations also have their own meaning. Trade Regulation Number 19 of 2026 takes effect from June 8, 2026 and repeals Trade Regulation Number 31 of 2023. This change updates the context of conducting trading businesses through electronic systems. However, the trade rules do not replacing the PDP Law as the main basis for data subject rights and personal data processing obligations. Therefore, the right legal approach is to read these rules in complementarity, rather than assuming that one rule solves all problems.

The practical implication of this research is the need for a platform to clarify information about data collection and use, as well as provide a means of requesting rights, which is easily accessible and has incident response procedures. For consumers, the results of the study remind the importance of reading privacy notices and maintaining account security and storing evidence if suspected abuse is found. For the government, it is clear that the enforcement of rules and the provision of a complaint mechanism are still necessary so that the

rights in the law can be used in real terms.

The contribution of the research lies in the unification of three layers of analysis, namely consumer rights and the division of the legal role of data processors as well as recovery and special routes in the context of marketplace transactions after the development of regulations in 2026. The limitations are also clear: this study does not test the effectiveness of the implementation of rules in the field and does not prove Tokopedia's technical compliance. Therefore, the research findings are more appropriate to be used as a legal assessment framework and recommendations rather than an audit report on the company.

CONCLUSIONS

Based on this normative legal research, the protection of consumer personal data in e-commerce transactions in the context of Tokopedia has a complementary legal basis. Law Number 27 of 2022 provides special protection for the rights of data subjects and regulates the basis for processing and obligations of controllers and processors, as well as data security and forms of accountability. The Consumer Protection Law, the ITE Law and Government Regulation Number 71 of 2019 and Government Regulation Number 80 of 2019 and Permendag Number 19 of 2026 strengthen the legal framework according to their regulatory fields.

Responsibility for personal data breaches must be seen from the legal role and actions of each party processing the data. Consumers have the right and choice of redress according to the rules, but the success of the lawsuit still depends on the facts and evidence and the legal provisions apply. Good protection does not only rely on sanctions after problems occur but also emphasizes openness and restrictions on processing as well as security or handling incidents from the beginning.

This research contributes in the form of mapping the relationship between consumer rights and the obligations of the parties as well as a means of recovery in marketplace transactions. However, because it uses legal materials and public documents, the results of the study cannot be used to conclude the actual level of security and internal compliance of Tokopedia. The events of 2020 are only placed as a historical background and are not assessed using the PDP Law retroactively.

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