Cross-Border Consumer Resolution through TikTok: A Legal Perspective on Consumer Protection in Indonesia

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Abstract
The rapid emergence of TikTok as a digital marketplace has transformed the landscape of cross-border e-commerce. Originally functioning as a social media application, TikTok now facilitates direct commercial transactions between sellers and consumers across national borders, particularly in Southeast Asia. This shift raises significant legal concerns regarding consumer protection, jurisdictional reach, and dispute resolution. Legal systems, especially in developing countries like Indonesia, are often unprepared to address the complexity of disputes arising from such cross-jurisdictional interactions. This study, through a normative juridical approach and literature-based analysis, evaluates the limitations of Indonesia's current legal regime in ensuring effective consumer protection in the digital trade context. The discussion emphasizes the necessity of strengthening Online Dispute Resolution (ODR) mechanisms and fostering international regulatory harmonization. Recommendations are proposed to address legislative gaps and institutional weaknesses in anticipation of the growing role of global e-commerce platforms in shaping consumer transactions.

A. INTRODUCTION

The growth of e-commerce has been significantly accelerated by the integration of social media platforms into commercial marketplaces. TikTok, originally developed as a platform for sharing short-form videos, has evolved into a hybrid platform that facilitates business-to-consumer (B2C) transactions through TikTok Shop. In Southeast Asia, this feature has gained massive traction, connecting sellers from one jurisdiction with buyers from another, including many Indonesia consumers.

This cross-border commercial interaction creates new legal challenges. Indonesia consumers often face difficulties in obtaining redress when dispute arise, especially in cases where sellers are located outside the country. Problems related to jurisdiction, applicable law, and enforcement of consumer rights are common in such settings. Despite the provisions under Law Number 8 of 1999 on Consumer Protection, its provisions are primarily oriented toward domestic commerce and remain silent on the intricacies of international digital trade.

Scholars such as Nasution (2018) and Zulkarnain (2018) emphasize the urgency of reforming regulatory systems to align with global e-commerce developments. Latief (2020), points to the European Union's model as an example of best practices in harmonized consumer protection, underscoring the gap that Indonesia must address. Moreover, the digital literacy of Indonesia consumers, as noted by Suryana (2021), is still inadequate in understanding cross-jurisdictional risk, which further exacerbates their vulnerability.

In response to these developments, this paper examines the sufficiency of Indonesia's legal framework in protecting consumers involved in cross-border e-commerce via TikTok. It further explores the potential of Online Dispute Resolution (ODR) and the importance of international legal harmonization to ensure a more effective redress system for digital consumers.

B. METHODS

The research method used in this study is the normative legal method, namely a method that emphasizes the study of applicable legal norms, both those contained in laws and regulations and in legal doctrine. This study aims to analyze sCross-Border Consumer Resolution through TikTok: A Legal Perspective on Consumer Protection in Indonesia. In this approach, data is obtained through literature studies that include primary legal materials such as related laws and regulations, as well as secondary legal materials in the form of literature, law journals, and expert legal opinions to examine the application and effectiveness in business law.

C. RESULTS AND DISCUSSION

Legal Challenges in Cross-Border Transactions on TikTok

The transformation of TikTok into a digital commerce platform introduces unique legal challenges in cross-border transactions, particularly concerning consumer rights. TikTok's global infrastructure enables merchants from various jurisdictions to offer products and services directly to Indonesian consumers, but without clear legal safeguards or binding obligations to Indonesian regulations. This raises questions of enforceability, jurisdiction, and consumer redress, especially in the absence of specific bilateral agreements.

As highlighted by Rizky (2022), the lack of a harmonized legal framework for international e-commerce transactions complicates the resolution of disputes. Consumers are often unaware of their legal rights or face procedural barriers when trying to claim compensation or product returns across borders. According to Salsabila (2023), there is a pressing need to establish a Cross-Border Dispute Board within ASEAN to mediate such conflicts, especially in the rapidly evolving digital marketplace. Moreover, Syahrul (2020), emphasizes that existing national legal instruments are rooted in conventional commerce models, thereby rendering them insufficient in addressing algorithm-based marketing practices and automated digital sales prevalent on platforms like TikTok. Legal adaptation must not only consider transactional fairness but also algorithmic transparency, data protection, and platform liability. The complexity of these issues calls for proactive legal reforms and stronger cooperation among regulatory authorities across ASEAN and beyond. Infrastructure allows sellers from various countries to reach Indonesian consumers directly. However, this technological convenience often leads to a legal disconnect. Disputes are difficult to resolve when sellers are not subject to Indonesian jurisdiction or when there is no clear legal recourse for consumers.

According to Rizky (2022), resolving international consumer disputes requires a comprehensive and harmonized legal approach consumer disputes require a harmonized legal framework, but such a system is largely absent in Southeast Asia. Furthermore, Santoso (2022), emphasizes the lack of bilateral and multilateral cooperation in consumer protection among ASEAN nations. Indonesian consumers are thus left vulnerable in cross-border e-commerce settings.

Consumer Protection Gaps in Indonesia Legal Framework

Indonesia's consumer protection (Law Number 8 of 1999), provides general principles but does not specifically address digital or cross-border commerce. Dewi (2020), also points out that consent mechanisms such as opt-in requirements are often disregarded on foreign platforms. Halim (2021) and Lestari (2021) both note that Indonesia consumer legal literacy remains low, further compounding the risk.

Prabowo (2021), argues for mandatory certification or registration for foreign platforms operating in Indonesia to ensure regulatory oversight. However, such provisions remain absent from Indonesia e-commerce regulations. Zulkarnain (2018), underlines the necessity of international collaboration among consumer protection agencies to bridge regulatory gaps and increase compliance by Foreign Service providers. According to Nurlaila (2022), a revision of Law No. 8 of 1999 is essential to include explicit provisions on digital transactions and cross-border redress mechanisms.

Endang (2020), also emphasizes the lack of clarity surrounding the evidentiary value of digital transactions and electronic contracts in current legal procedures, making dispute resolution efforts more complicated. Irwansyah (2022), supports this view by advocating for more comprehensive digital contract law reform that includes protection clauses for online consumers. Susanto (2019), adds that national legal reforms must be complemented by enhanced public education campaigns and improved accessibility to consumer complaint mechanisms in the digital domain. These multidimensional strategies would strengthen the effectiveness of consumer protection enforcement in the era of digital trade.

The Role of Online Dispute Resolution (ODR)

Online Dispute Resolution (ODR) has been proposed as a viable mechanism for resolving cross-border consumer disputes. According to Andri (2023), ODR platforms offer speed, efficiency, and accessibility compared to traditional litigation. Fadhil (2023), further highlights the need for updated regulation to support digital mediation.

However, without cooperation from platform providers like TikTok, implementing ODR remains aspirational. There is also a need for an independent regulatory body or regional cooperation platform that can manage these disputes effectively. According to Vina (2021), digital-friendly dispute mechanism should be integrated into e-commerce platforms to enhance user trust and accountability. Gunawan (2019), stresses that without mandatory compliance from foreign platforms, ODR mechanisms may lack enforceability, reducing their practical value.

Salsabila (2023), suggests that ASEAN countries should establish a regional arbitration center specifically for digital consumer disputes, ensuring impartiality and efficiency. Maulana (2021), also highlights the importance of transparency and digital evidence admissibility in online mediation and arbitration processes. Moreover, the presence of a transnational dispute resolution infrastructure can mitigate legal fragmentation and empower consumers. Santoso (2022), argues for bilateral agreements between countries to obligate platform compliance with domestic

consumer protection laws. These initiatives, coupled with enhanced digital literacy campaigns, would lay a strong foundation for sustainable and equitable consumer redress in the age of global e-commerce.

The Need for International Legal Harmonization

To protect consumers effectively in the context of cross-border e-commerce, international legal harmonization is indispensable. Latief (2020), discusses the European Union's model of cross-border consumer protection as a potential benchmark, emphasizing the significance of cohesive legal instruments in addressing transnational disputes. Nasution (2018), further underscores the need form harmonized regulatory approaches within ASEAN to cope with the challenges posed by digital globalization.

Mustofa (2021), highlights that disparities in national legal frameworks can hinder cooperation in enforcing consumer rights, particularly in transactions mediated by global platforms like TikTok. The lack of enforceable mutual recognition agreements among ASEAN member states contributes to the fragmentation of consumer protection. Zulkarnain (2018), points out the importance of international cooperation between national consumer protections authorities through information sharing, joint enforcement actions, and synchronized policy development. Such efforts are essential to bridge regulatory gaps and ensure cross-border compliance by Foreign Service providers.

Indonesia must actively participate in regional and global frameworks to strengthen ith legal alignment with international best practices. This includes updating its domestic consumer protection laws, establishing bilateral and multilateral agreements, and engaging in global dialogue on digital commerce governance. Ultimately, fostering international legal harmonization not only enhances the enforceability of consumer rights but also builds trust and accountability in the global digital marketplace. These efforts would support the sustainable development of e-commerce and empower consumers in cross-jurisdictional truncations. Legal Challenges in Cross-Border Transactions on TikTok

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D. CONCLUSION

The transformation of TikTok into a cross-border e-commerce platform introduces multifaceted legal challenges for consumer protection in Indonesia. While Law Number 8 of 1999 on Consumer Protection provides a foundational legal framework, it lack the specificity required to manage disputes emerging from international digital transactions. The exponential growth of e-commerce, propelled by social media integration, has highlighted critical regulatory gaps that leave consumers vulnerable to exploitation.

To address the challenges, a systematic overhaul of the legal infrastructure is essential. This includes enhancing existing dispute resolution mechanisms, such as Online Dispute Resolution (ODR), to accommodate transnational claims. A collaborative approach involving platform accountability, digital evidence admissibility, and user-centric dispute interface will ensure greater efficiency and accessibility for consumers.

Moreover, Indonesia must engage in proactive legal diplomacy by forging bilateral and multilateral agreements that facilitate jurisdictional cooperation and

mutual enforcement of consumer protection standards. International legal harmonization should be prioritized through ASEAN platforms, aligning regional policies to support consistent redress mechanisms for cross-border disputes. Incorporating insights from legal scholars and comparative legal frameworks can further strengthen Indonesia's strategy in handling digital trade conflicts

Finally, legal reform must be accompanied by public awareness campaigns to elevate digital legal literacy among consumers. Empowered consumers, coupled with a coherent regulatory environment, are indispensable for safeguarding rights in the dynamic landscape of global e-commerce. Hence, Indonesia's readiness to adapt its legal system to the evolving digital marketplace is crucial to ensure that consumer rights are upheld, irrespective of the geographical origin of the transaction.

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