The Paradox Of Consumer Protection In Indonesia: A Juridical And Policy Analysis On The Ineffectiveness Of Consumer Rights Enforcement

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Abstract
This study explores the key factors behind the failure of consumer protection policies in Indonesia. Despite Indonesia's large population and growing economy, the influx of imported goods has weakened domestic consumer safeguards. Using a qualitative approach with secondary data from academic sources and government policies, the study identifies three main causes of policy failure: weak legal enforcement, economic imbalance, and political influence. The findings highlight that effective consumer protection requires fair and consistent law enforcement, along with balanced government support for both consumers and businesses. Strengthening market supervision and dispute resolution institutions is also essential. Additionally, the government should support domestic industries by regulating the import of foreign goods. In conclusion, collaboration among the government, businesses, and consumers is crucial to establish a fair and sustainable consumer protection ecosystem. The study recommends revising the Consumer Protection Law to eliminate weak provisions and reinforce consumer rights, which would ultimately strengthen both public trust and national economic growth.

I. Introduction

Indonesia, as a nation governed by the rule of law based on the 1945 Constitution, ideally guarantees equal legal protection for all citizens. However, in reality, many serious disparities are found: some people receive special privileges *from* those in

power, while others have their rights ignored. This phenomenon violates the principle of "equality before the law," which has instead transformed into "equality after the law" the law is sharp downwards and blunt upwards, as described by Siallagan . (Siallagan, 2016)A similar situation is seen in the realm of consumer protection: existing regulations appear to favor businesses, while consumers, as the weaker party, are often disadvantaged. Empirical studies and academic research confirm the ineffectiveness of consumer protection regulations in Indonesia. For example, Saragih (Saragih dkk., 2024)found that despite comprehensive consumer regulations, their implementation is hampered by low consumer awareness, weak law enforcement, and limited support from consumer protection institutions. Koos ("(PDF) Consistency and Law Comparison in Consumer Protection Law Design in the Light of the Socially Responsible Market Economy Approach," t.t.)stated that the current legal framework fails to maintain a balance of power between consumers and businesses, necessitating a more adaptive socio-functional approach . In the context of digital transactions and e-commerce, Supriyanto (*Consumer Protection Legal Frameworks in Indonesia: The Challenges of E-Commerce and Data Privacy | Research Horizon*, t.t.)pointed out that the legal framework is not yet adequate to protect consumers' rights to privacy and personal data . Another issue involves exclusionary clauses in premium service agreements that favor corporations, as identified by Lestari & Purwaningsih (*Redefining Indonesia's Digital Economy*, t.t.). This creates a significant gap in fairness in digital transactions. Given this relevance, it is crucial for the government to demonstrate a strong commitment to improving the legal system so that consumers receive balanced and effective protection.(Bar-Gill dkk., 2023a)

To show the originality of the writing, here we will present several previous study results with almost the same theme, including: First, research by Daulay, Sere Saghranie, and M. Nawir Messi (University of Indonesia) shows that the government's implementation of consumer protection policies in handling consumer complaints still faces various structural challenges. This study found that the main inhibiting factor lies in weak oversight of the flow of imported goods and local products that do not meet standards, which then gives rise to many consumer complaints. However, there are supporting factors in the form of increased public awareness to report violations, as well as the commitment of some government institutions to provide complaint channels. This study also emphasizes that consumers have a high perception and expectation that the government will be able to create a faster, more transparent, and responsive complaint mechanism to ensure a sense of security, comfort, and safety in transactions.(Daulay, 2004)

Meanwhile , research by Winda Pebriyanti and Abdul Kohar (Singaperbangsa University, Karawang) focuses on the contemporary issue of virtual wallet use in the digital era. The study emphasizes that consumer protection laws need to be optimized to adapt to the increasingly widespread developments in financial technology. Existing regulations are considered to not fully provide legal certainty, particularly regarding data security, cost transparency, and service provider accountability. Therefore, this study recommends the need for more comprehensive, integrative, and adaptive policies to digital developments, so that consumers are equally protected from potential losses in the use of virtual wallets.(Putri dkk., 2021)

The third study conducted by M Syamsudin with the research title The Failure of the Court to Protect Consumers: A Review of Consumer Dispute Resolution In This study provides information related to Indonesia 's need for strong measures to protect its consumers, leading to the establishment of the Consumer Dispute Resolution Agency (BPSK) as an arbitrator to efficiently resolve disputes between consumers and businesses. The Supreme Court of Indonesia (MARI) has overturned a worrying number of BPSK arbitration awards, endangering the entire system. The purpose of this study is to examine empirical data on MARI's decisions to overturn arbitration awards and analyze their decision-making process. This study shows how MARI has interpreted the law that promulgated BPSK very narrowly. The results of MARI's interpretation of the law have profound implications for consumer protection in Indonesia, namely that public trust in the enforcement of Consumer Protection Law by BPSK has been greatly reduced, leaving consumers without meaningful access to justice or protection of their rights.(Syamsudin, 2021)

The fourth research conducted by Faiz Rahman with the research title Safeguarding Personal Data In The Public Sector: Unveiling The Impact Of The New Personal Data Protection Act in Indonesia provides information related to personal data protection, a crucial issue that has garnered public attention in recent years due to numerous data leaks, particularly involving public sector institutions. This issue prompted legislators to reopen discussions on the Personal Data Protection Bill (RUU PDP), which was finally passed in October 2022. A key aspect addressed in the newly enacted PDP Law is data protection by public sector institutions in Indonesia. Several studies have shown that personal data collection by these institutions is primarily mandatory.(*E-Commerce and Consumer Protection in India: The Emerging Trend | Journal of Business Ethics*, t.t.) Therefore, this study examines laws and regulations related to personal data protection by public sector institutions and potential implementation challenges. These challenges include the tendency to prioritize sectoral regulations over the PDP Law and the potential for over-utilization and over-interpretation of data protection exceptions. The findings indicate that the newly enacted PDP Law provides excessive discretion for public institutions to exclude data subjects' rights despite high data processing standards.("Digital Transformation," 2019) The research findings indicate that to achieve meaningful implementation of the Personal Data Protection Law, the mandated supervisory authority must be independent in carrying out its duties and functions to ensure fair enforcement of personal data protection in both the public and private sectors. Furthermore, the government must develop a strategy to ensure consistent implementation of data protection through various laws and regulations currently being drafted, as well as align the Personal Data Protection Law with other relevant laws.(Rahman, 2025)

The four studies highlight different dimensions of consumer protection issues in Indonesia: Daulay et al. emphasize the government's weak implementation of consumer complaint policies; Pebriyanti–Kohar highlight consumer protection in financial technology innovations, particularly virtual wallets;(Martínez Otero, 2021a) Syamsudin emphasizes the failure of judicial institutions, particularly the Supreme Court, to uphold BPSK decisions, thus weakening consumers' access to justice; while Rahman focuses on the issue of personal data protection after the ratification of the

PDP Law, which is vulnerable to abuse by public institutions. These four studies have a sectoral focus and specific issues, while the title "Consumer Protection Paradox: Analysis of the Failure of Consumer Protection Policies in Indonesia" is more comprehensive and analytical, namely attempting to explain the fundamental contradiction between the ideality of regulation and weak implementation in various sectors (complaints, digital transactions, dispute resolution, and personal data protection). Thus, the difference lies in the perspective: previous studies dissect specific cases and sectors, while this title highlights the failure of macro-level policies as a systemic paradox.

The general objective of this paper is to identify the factors contributing to the failure of consumer protection policies in Indonesia. Specifically, this research aims to address three main questions: first, why the circulation of illegal goods is so widespread in society; second, to analyze the weak penalties imposed on businesses found to have committed violations; and third, to examine the neglect of consumer rights in legal protection practices. This study argues that the massive circulation of illegal goods is caused by weak oversight instruments and overly lax import policies, which open up space for the entry of substandard products. The weak penalties imposed on violating business actors are inseparable from discrimination in law enforcement,(Cook & Coupey, 1998) where the law is more often enforced against consumers than against business actors. Meanwhile, the neglect of consumer rights is caused by the suboptimal performance of consumer protection institutions, low legal awareness among business actors, and minimal levels of consumer education and literacy, which ultimately weakens their bargaining position in obtaining fair legal protection.

Policy failure can be understood as a condition when a policy fails to achieve its fundamental objectives, faces significant opposition, or lacks political or institutional support (McCONNELL, 2010). Mueller (Mueller, 2020)added that policy failure often stems from the complex nature of policymaking systems, making them difficult to control or predict. However, Landau (Landau, 2021)sees policy failure as not always negative. He instead interprets it as a productive resource that can open up new spaces for collaboration between state stakeholders and civil society.(Tavuyanago, 2020) Within this framework, policy failure can be divided into two: absolute failure, which occurs due to unresolvable conflict, and agonistic failure, which arises from widespread disagreement that is then diverted into temporary policy solutions.(Bouzembrak & Marvin, 2016a)

While policy failures have the potential to provide learning opportunities, there is a risk that dysfunctional learning processes will exacerbate the failures themselves. This is particularly evident in situations where reflection on failures only produces short-term responses without more systemic reforms. Thus, policy failures can be a double-edged sword: while they can generate innovation and temporary solutions, they can also perpetuate structural weaknesses in policy governance. The impact of policy failure can also spread to other areas, such as the failure to achieve environmental sustainability. Fadwa Chalfoun, (Chalfoun, 2018)for example, shows that conflicts between environmental policies and economic development goals, weak communication of policy objectives, and minimal incentives for stakeholders to

adopt policies are key factors hindering the successful implementation of environmental policies. This emphasizes that policy failure extends beyond formal regulations to encompass aspects of implementation, communication, and consistency between policy objectives. Furthermore, the failure to meet a single policy factor can also be an indicator of failure. Burke et al. (Burke dkk., 2019)cite the example of Ireland's National Care Purchase Fund, which, despite successfully providing healthcare to a large number of public patients, is still considered a policy failure due to its inability to address the underlying issues of long waiting times and the absence of broader systemic reforms. Therefore, attention is needed to address the learning process at the meso-level (organizational or institutional) which is crucial for the success or failure of policy transfer (Dunlop, 2020). In the Indonesian context, studies by Lindgren et al. (Lindgren dkk., 2024)and Imamah et al. (Imamah dkk., 2024)also demonstrate how social, cultural, and even religious factors can influence policy dynamics, ensuring that the policy learning process cannot be separated from the complexity of the local context.

International regulations on consumer protection were first implemented through *the United Nations Guidelines for* Consumer *Protection* (UNGCP) in 1985 and then updated in 2015. These guidelines provide important guidance for member countries in building an effective legal framework to protect consumers, including for law enforcement agencies and warranty and insurance service providers (Ezechukwu, 2023). In Indonesia, consumer protection efforts are carried out through product standardization mechanisms with the Indonesian National Standard (SNI) and key regulations such as Law No. 8 of 1999 concerning Consumer Protection and Law No. 20 of 2014 concerning Standardization and Conformity Assessment. These regulations function as preventative protection for consumers, as well as instruments to improve business compliance with the law (Valensia & Sartono, 2020).

In addition to formal regulations, consumer protection also requires strategies that address consumer behavior. Behavioral economics insights have been used to understand and address market failures arising from often irrational consumer decisions. Research by DellaValle (DellaValle, 2019)and Frik and Mittone (Frik & Mittone, 2019a)demonstrates how consumer psychology influences decision-making, including in the context of energy and online transactions. These findings underscore the need for a more adaptive regulatory approach to consumer behavior. Within this framework, Bar-Gill et al. (Bar-Gill dkk., 2023b)emphasize the importance of establishing a regulatory body such as *the Consumer Financial Protection Bureau* to address potentially exploitative consumer contracts. The development of digital technology is increasingly complicating the dynamics of consumer protection. Market digitization offers benefits in the form of accessibility and efficiency, but also creates new risks such as data breaches, online fraud, and algorithmic exploitation. Zaki (Zaki, 2019)emphasized that digital transformation brings great opportunities, but without an adequate regulatory framework, consumers will be vulnerable to various forms of market manipulation. In this context, consumer protection in the digital era must adapt to the development of *e-commerce* , which demands legal updates to ensure the fairness and security of online transactions.(Chawla & Kumar, 2022) Recent studies also highlight the need to strengthen legal frameworks against exploitative digital

market practices. Martínez Otero (Martínez Otero, 2021b)emphasized how fake reviews on online platforms pose a serious threat to consumers, while Igbinenikaro and Adewusi (Etinosa Igbinenikaro & Adefolake Olachi Adewusi, 2024)highlighted the need for a balance between technology-based financial innovation (*fintech*) and consumer protection. Thus, consumer protection in the era of digital globalization requires not only strong regulations but also continuous adaptation to technological developments and market behavior. Developing countries face significant challenges in providing a basic standard of living and enhancing competitiveness in the global marketplace. In this context, entrepreneurship plays a crucial role, particularly growth-oriented businesses. Entrepreneurship not only drives innovation and competitiveness but also contributes to economic diversification and national income growth. (Mendoza dkk., 2021)Other research confirms that entrepreneurial skills and entrepreneurial orientation are key factors in the sustainable growth of small and medium enterprises (Diabate dkk., 2019). Therefore, building a supportive entrepreneurial ecosystem is an important foundation for strengthening the position of developing countries on the international stage.(Duarte dkk., 2023a)

The main objective of this research is to critically examine the fundamental causes behind the failure of consumer protection policies in Indonesia by identifying legal, institutional, and socio-economic factors that hinder their effective implementation. Specifically, this study aims to analyze the structural weaknesses in law enforcement, the imbalance of power between consumers and business actors, and the inadequacy of regulatory mechanisms in addressing the challenges of globalization and digital transformation. Furthermore, this research seeks to propose policy reform strategies that strengthen institutional capacity, enhance public legal awareness, and promote a more equitable, transparent, and adaptive consumer protection framework aligned with Indonesia's commitment to the rule of law and sustainable economic justice.(Frik & Mittone, 2019b)

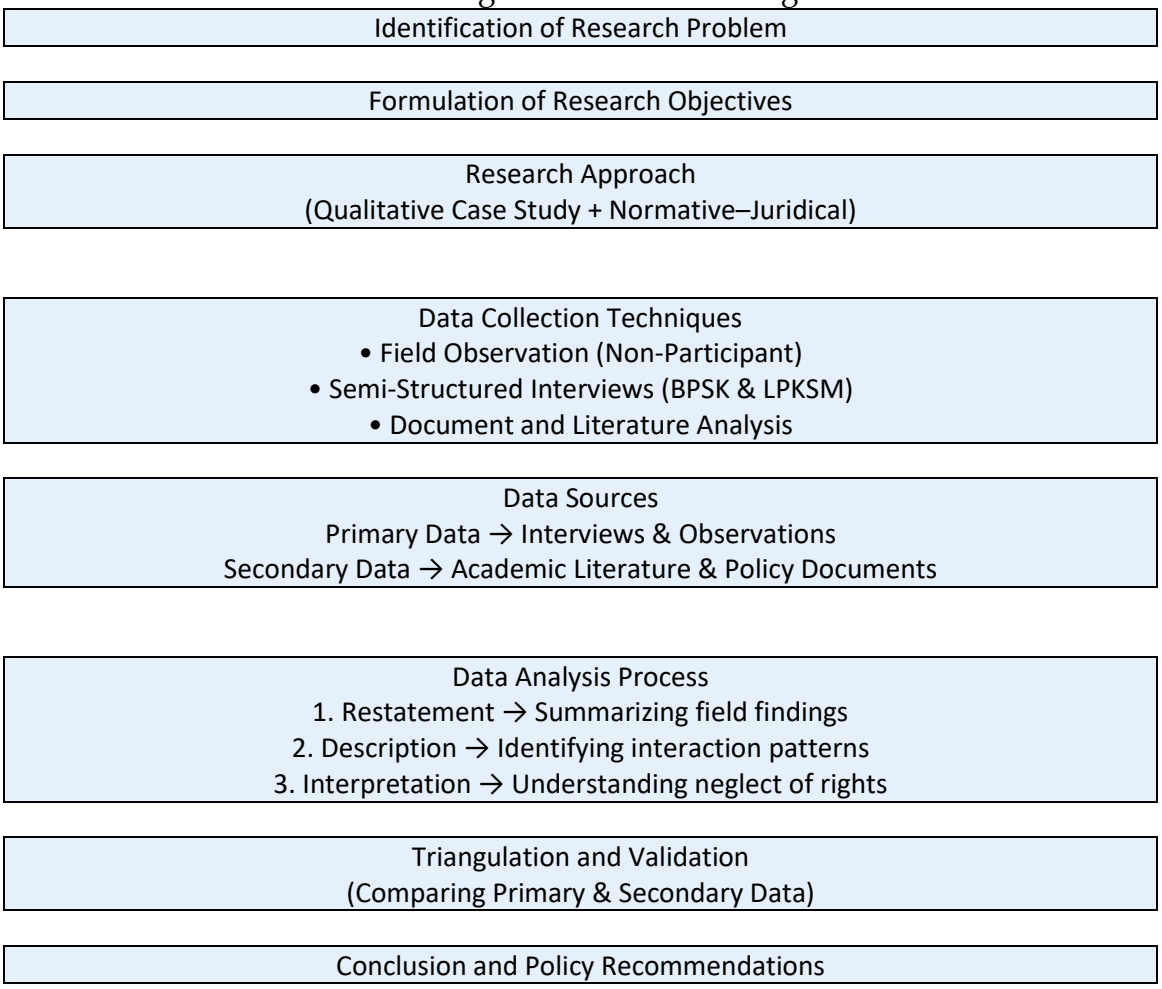
A. Method

This research focuses on consumer protection policies in Indonesia as the primary unit of analysis. Indonesia was chosen due to its strategic position among other developing countries, with a central role in the economic, political, and legal fields. However, a dilemma exists: although Indonesia is known as a country based on the rule of law, the practice of the rule of law often clashes with economic interests. This condition creates inequality in the implementation of consumer protection laws, where the government should protect the vulnerable (consumers), but instead, protection favors businesses. To explore this issue, the research employed a qualitative case study design with a normative-juridical approach. (Atikah, 2022; M.H & M.Hum, 2018)Primary data were obtained through non-participant observation and semi-structured interviews with key figures such as the Chairperson of the Consumer Dispute Resolution Agency (BPSK) and the Chairperson of the Non-Governmental Consumer Protection Institution (LPKSM). The interviews aimed to explore perspectives regarding the weakness of law enforcement instruments, the reasons consumers are reluctant to resolve disputes through the BPSK, and direct

experiences in consumer protection practices. Secondary data from academic literature was also used to provide a theoretical foundation for consumer rights and ensure triangulation and validity of the research findings.

Data collection techniques include primary and secondary data, but to complete the research data, it is combined with primary data in the form of Data collection techniques included field observation, semi-structured interviews, and document analysis to understand the interaction of law, economics, and politics in consumer protection. Data were analyzed inductively through three stages: restatement, description, and interpretation. The restatement summarizes field findings, such as the link between the massive circulation of illegal goods and weak oversight; the description identifies patterns in interactions between consumers, businesses, and law enforcement agencies; while the interpretation provides a deeper understanding of why consumer rights are often neglected. With this combination of approaches, the research produces a comprehensive narrative about the dilemma of consumer protection in Indonesia as a representative of developing countries.

Figure 1. Research Design



B. Result: Massive circulation of illegal products

The failure of consumer protection policies has become a crucial issue impacting society. One of the main challenges in implementing consumer protection policies is the massive circulation of illegal products, which undermines consumer trust and threatens public safety. In this context , weak law enforcement mechanisms and regulatory oversight have allowed these illegal products to circulate widely, as reflected in in Table 1.

Product	Year	Violation	News Narrative	Source
Illegal masks	2022	Unlicensed	Thousands of unlicensed imported masks were repackaged at a Sidoarjo warehouse for sale to consumers.	https://news.detik.com/berita-jawa-timur/d-4931184/jutaan-masker-impor-dari-
Latiao Food	2024	Contaminated with harmful bacteria (Bacillus Cereus)	BPOM found that the food product latiao, which has been widely circulated in the community for a long time, contains dangerous bacteria (Bacillus Cereus).	https://www.tempo.co/ekonomi/bpom-beberkan-penyebab-produk-latiao-baru-bermasalah-meski-sudah-lama-beredar-1163932
Illegal cosmetics	2023	Unlicensed	Illegal cosmetic products without BPOM distribution permits are still circulating freely both in offline and online markets. Some contain hazardous ingredients.	https://www.kompas.id/baca/investigasi/2022/04/07/illegal-mercury-cosmetics-sold-freely-in-the-market
Skincare	2024	Contains mercury	Dozens of skincare products widely circulated in the community apparently contain	https://www.viva.co.id/gaya-hidup/kesehatan-intim/1777552-ditemukan-

			dangerous mercury ingredients	puluhan-produk-
Skincare Golden Queen	2024	Contains mercury	The skincare products widely circulated and produced by Mira "Ratu Emas" apparently do not have a distribution permit and have tested positive for containing dangerous ingredients such as mercury.	https://www.akurasi.id/trending/kejayaan-ratu-emas-makassar-luntur-skincare-bermerkuri-membawa-mira-hayati-ke-jeruji-besi/

shows the widespread circulation of illegal products in Indonesia as a result of the weak implementation of consumer protection policies. Unlicensed imports and the distribution of products that do not meet health standards are among the main problems, for example, the circulation of illegal masks whose quality is not guaranteed. Furthermore, food products such as *Latio* , which have been proven to contain dangerous bacteria (*Bacillus cereus*), also demonstrate weak food safety oversight, which should be a priority. Illegal cosmetic and skincare(Grunert dkk., 2023) products containing hazardous ingredients, including mercury, are also widely circulated in the market without adequate controls. This fact confirms that weak oversight directly harms consumers and poses a serious threat to public health and safety.(*Literature Review on Cross-Border Cooperative Governance of Food Safety Risks and Implications for China: Food Reviews International: Vol 41 , No 7 - Get Access*, t.t.)

These findings reveal three main patterns reflecting the failure of consumer protection policies. First, weak oversight of imported goods, as evidenced by the entry of products without permits and clear quality standards. This situation indicates significant regulatory gaps and weak inspections at international trade entry points. This aligns with research confirming that developing countries often face serious obstacles in controlling the quality of imported products due to limited regulatory resources and the capacity of regulatory agencies (*Import Safety*, 2009). In other words, the massive presence of illegal products in the market is a direct reflection of an ineffective oversight system. The second pattern is demonstrated by the discovery of food products containing dangerous bacteria such as *Bacillus cereus in Latio* products , indicating a failure in food safety oversight. This sector should be a top priority to protect consumers from immediate health risks, but practices still fall far short of international standards (Bouzembrak & Marvin, 2016b). The third pattern is seen in the rise of illegal cosmetics and skincare products containing dangerous ingredients such as mercury, which pose long-term risks to consumers' health. The circulation of these products demonstrates weak cross-sectoral oversight, particularly in the health and trade sectors. These three patterns demonstrate the

complexity of consumer protection issues in Indonesia, where weak oversight creates conditions that allow for the widespread circulation of illegal products and threaten consumers' basic rights. The failure of consumer protection policies has not only had an economic impact, but also a legal one, namely a reduction in public trust in applicable laws. Another challenge in implementing consumer protection policies is the imposition of weak legal sanctions against violating businesses, which do not have a deterrent effect and threaten the functioning of the legal system in society. In this context, the weakness of law enforcement officials and oversight by the judiciary has allowed violating businesses to be given weak legal sanctions, as illustrated in Table 2.

Table 2. Weak enforcement of legal sanctions

Sanctions	**Information**	**News Narrative**	**Source**
Product withdrawn from circulation	Illegal masks from China	Thousands of unlicensed imported masks were repackaged at a Sidoarjo warehouse for sale to consumers.	https://news.detik.com/berita-jawa-timur/d-4931184/jutaan-masker-impor-dari-
Product destroyed	Illegal cosmetics	Illegal cosmetic products without BPOM distribution permits are still circulating freely in both offline and online markets. Some contain hazardous ingredients.	https://www.kompas.id/baca/investigasi/2022/04/07/illegal-mercury-cosmetics-sold-freely-in-the-market
Written Warning Sanction	Violation of the Standard Clause for Parking Service Operations	Suing the Parking Bylaw	WorldPress.com
Appeal to sellers to withdra	Violation of selling expired food	Bekasi Metro Police Uncover Sales of Expired Products.	https://tribratanews.metro.polri.go.id

w and/or destroy food.			
The distribution permit has been temporarily withdrawn.	Violation of dangerous products Latiao snacks from China	BPOM found that the food product latiao, which has been widely circulated in the community for a long time, contains dangerous bacteria (Bacillus Cereus).	https://www.tempo.co/ekonomi/bpom-beberkan-penyebab-produk-latiao-baru-bermasalah-meski-sudah-lama-beredar-1163932

Table 2 demonstrates the weak enforcement of legal sanctions against consumer protection violations in Indonesia, which actually highlights the weakness of the legal system in creating a deterrent effect. Sanctions such as written warnings, product recalls, product destruction, and even distribution permit suspensions appear to be purely administrative in nature and have no significant impact on business behavior. The inability of these sanctions to reduce the level of violations ultimately leads to public distrust of law enforcement officials. This confirms that weak legal sanctions impact not only consumer protection but also the legitimacy of legal institutions themselves. The table data demonstrates three patterns of consumer protection policy failure due to weak enforcement of legal sanctions. First, mild sanctions, such as written warnings for violations of standard parking service clauses or the inclusion of misleading information, actually open up space for repeated violations because they have no real consequences for business actors. Second, sanctions in the form of recalls of dangerous products, such as illegally imported masks, do reduce the health risks to consumers, but create additional problems in the form of state losses through the loss of potential tax and import duty revenue. Third, weak implementation of legal sanctions has an impact on decreasing public trust in law enforcement officials, which in turn can disrupt the stability and effectiveness of the legal system as a whole.(Cseres, 2005)

This phenomenon demonstrates that consumer protection in Indonesia remains mired in a dilemma between economic interests and the rule of law. Weak legal sanctions reinforce the dominant position of businesses in the market structure, while consumers remain vulnerable. This situation aligns with international research findings, which emphasize that without firm sanctions, consumer protection regimes in developing countries struggle to change business behavior and fail to uphold the principle of distributive justice (Cartwright, 2001). Therefore, improvements in the design of sanctions regulations need to be directed at a combination of

administrative, civil, and criminal instruments, so that businesses have a clear disincentive to commit violations, while the public receives more substantial legal protection.

The failure of consumer protection policies in a country can be seen in one of its instruments: the neglect of consumer rights, a problem that has become a crucial issue impacting society. The neglect of consumer rights by businesses in developing countries, including Indonesia, appears to be commonplace and receives little government attention. In practice, the neglect of consumer rights is still prevalent in various forms, as can be seen in Table 3 below:

Table 3. Neglected Consumer Rights

Rights Violated	Information	News Narrative	Source
The right to security and safety	The rise of food products that are dangerous to health	BPOM found that the food product latiao, which has been widely circulated in the community for a long time, contains dangerous bacteria (Bacillus Cereus).	https://www.tempo.co/ekonomi/bpom-beberkan-penyebab-produk-latiao-baru-bermasalah-meski-sudah-lama-beredar-1163932
e right to advocacy and access to case resolution	BPSK is not yet available in every district or city	Inauguration of the Semarang City BPSK for the 2024-2029 Period	https://wartajavaindo.com
Right to dispute resolution	The institution authorized to resolve consumer disputes through non-litigation is not explicitly designated.	BPSK and Consumer Protection	Instagram: indaggojateng
The right to balance and equality	Smuggling of Standard Clauses in Practice	Challenging the Parking Bylaw	WorldPress.com

The right to receive compensation, damages and/or replacement.	Consumer compensation complaints are not responded to by business actors	Procedures for suing consumers for compensation in court	http://www.ilslawfirm.co.id

Table 3 shows the continued neglect of consumer rights, reflecting the failure of consumer protection policies in Indonesia. Consumers' rights to safety, comfort, and security, which should be guaranteed by the state, are often ignored by businesses. The circulation of dangerous food products such as *Latiao , which contains Bacillus Cereus* bacteria , which can cause poisoning and even death, underscores the weak oversight of food safety standards. Not only in the food sector, the practice of smuggling standard clauses into agreements also further demonstrates the unequal bargaining power, where agreements are made unilaterally by businesses without providing any room for consumer participation. This situation demonstrates that the implementation of consumer protection policies remains far from the principles of a state based on the rule of law, which upholds justice and equality.(Morgan, 2013)

From the data in the table, three main patterns emerge that underscore policy failure. First, weak oversight by regulatory agencies, particularly in guaranteeing consumers' rights to safety and security, indicates institutional dysfunction. Second, the absence of a clear and effective institution for resolving consumer disputes makes it difficult for the public to seek justice, ultimately eroding trust in the law. Third, the practice of standard clauses in commercial contracts underscores the structural inequality between businesses and consumers. In this context, consumers are forced to agree to detrimental agreements because of their attachment to goods or services. These three patterns demonstrate that the neglect of consumer rights is not merely a legal technicality but a reflection of unequal power relations in the market.(Dewi dkk., 2024)

This phenomenon demonstrates that consumer protection policies in Indonesia have not fully balanced the interests of businesses and consumers. This imbalance aligns with criticisms in global literature that in many developing countries, consumer regulations are often merely formalities without substantive implementation (*The Role of Consumer Protection in the Digital Economy*, t.t.). Systematic disregard for consumer rights has the potential to weaken legal legitimacy and increase socio-economic risks, as consumers are left vulnerable to market exploitation. Therefore, consumer protection policy reforms need to be directed at strengthening oversight mechanisms, clarifying dispute resolution institutions, and revising contractual regulations to truly guarantee equal rights between consumers and businesses.

C. Discussion

The data presented shows that the massive circulation of illegal products in the

market, the light and indecisive imposition of legal sanctions, and the disregard for consumer rights are common phenomena in developing countries, including Indonesia. This condition arises due to weak oversight instruments for products circulating in the community, and law enforcement that is still shackled by political interests and large corporations. Furthermore, the government's negligence in carrying out its primary function as a protector of citizens actually worsens the situation,(Zuboff, 2019) where consumers remain vulnerable to market exploitation. This phenomenon must be a serious concern for all parties, especially the government as the authority to issue regulations that guarantee consumer protection. If businesses, consumers, and the government are all negligent, the losses will not only be borne by consumers, but also harm businesses and the government itself in the long term. As emphasized by Wahyu Simon Tampubolon (Tampubolon, 2016), the state has an obligation to ensure legal certainty for consumer protection. Therefore, cooperation between the three main pillars of government, businesses, and consumers is key to creating a healthy, equitable, and sustainable market ecosystem.(Cartwright, 2001)

The conditions outlined above demonstrate that the government's failure to seriously address consumer protection can have significant implications for the wider community. Honest domestic businesses will suffer losses due to the influx of illegal products freely circulating in the market, while consumers face direct threats from dangerous products that fail to meet health and safety standards. Furthermore, weak regulations and oversight open up opportunities for foreign businesses to expand, targeting developing countries, including Indonesia, by exploiting the weak consumer protection system.(Tacker, 2019) This situation ultimately impacts the government, which could potentially lose state revenue from taxes and import duties due to the massive circulation of illegal goods.(“Consumer Protection Law in the Digital Era,” 2024) In line with Maslihati Nur Hidayati's findings (Hidayati, 2008), which highlight the dominance of developed countries' economic interests in penetrating emerging markets, the issue of consumer protection is becoming increasingly urgent. Developing countries need to strengthen legal instruments, dispute resolution institutions, and oversight mechanisms to protect consumers from exploitative global practices. Without a strong commitment from the government, consumers will continue to be weak and vulnerable, while domestic markets risk being dominated by harmful foreign products. Therefore, consumer protection is not merely a legal issue, but also part of a national strategy to safeguard economic sovereignty and social security. The widespread circulation of illegal products in society has resulted in multidimensional losses for businesses, consumers, and the government. Legal businesses suffer losses because they have to compete with cheaper illegal products that do not meet standards, thus undermining healthy market mechanisms. Consumers are the most affected, potentially experiencing material and immaterial losses due to the use of unsafe products, while the government suffers through lost tax revenue and potential investment. This phenomenon demonstrates the weakness of oversight and regulatory instruments, which should be the main pillars of consumer protection in a modern legal system.(Dzuhriyan dkk., 2024) Furthermore, the imposition of light sanctions for consumer violations results in a lack of deterrent

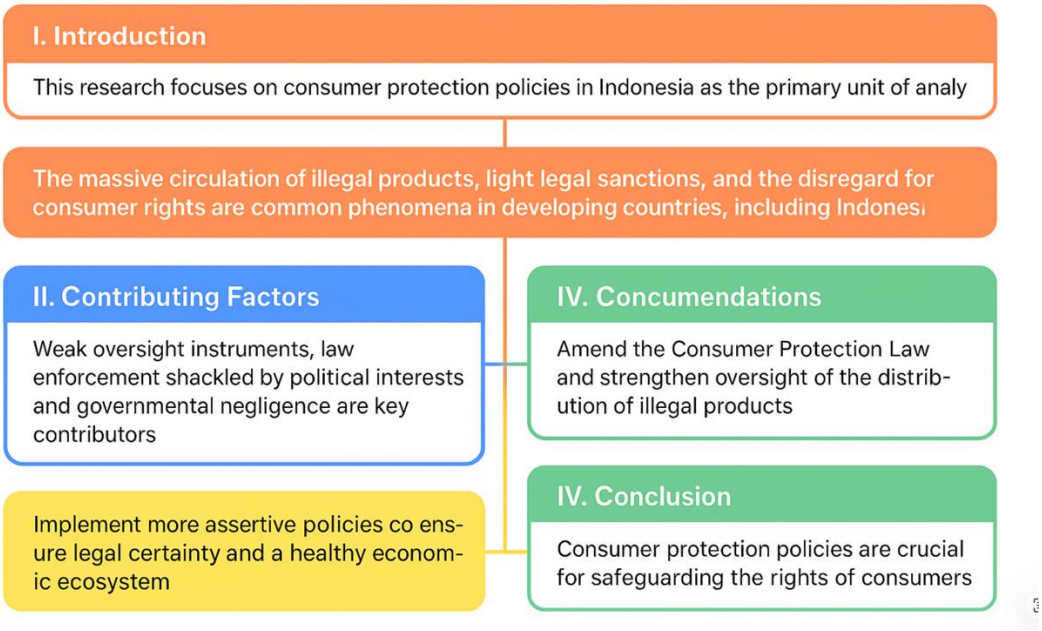
effect for business actors, resulting in systematic recurrence of violations. This situation has a serious impact on the loss of the rule of law,(Rodriguez, 2024) where the law is viewed leniently and lacks the authority to enforce consumer protection. Furthermore, the neglect of consumer rights exacerbates losses, both from a legal perspective in the form of a lack of certainty and protection, and from an economic perspective in the form of tangible financial losses. Therefore, consumer protection must be viewed as an essential issue, not only from a legal perspective but also within the framework of national political economy.(Duarte dkk., 2023b)

This research is expected to make a significant contribution to preventing the circulation of illegal products that harm consumers, particularly food and beverage products containing hazardous chemicals and threatening public safety.(Micklitz & Saumier, 2018) With effective consumer protection, the public will no longer feel anxious about consuming or using products on the market, but will instead feel safe, comfortable, and protected from health risks and material losses. This type of protection is a crucial element in improving people's quality of life while strengthening public trust in state regulations.("Understanding Market Failure in the Developing Country Context | Request PDF," t.t.) Furthermore, this study emphasizes the importance of government assertiveness in enforcing consumer protection regulations. Legal principles must be enforced in a balanced manner, impartially, impartially, to both businesses and consumers, so that the principle of *equality before the law* can truly be realized. This way, the supremacy of law in consumer protection can be restored to its essence: guaranteeing the rights of citizens while simultaneously reflecting Indonesia as a nation based on law that upholds justice and legal certainty (Siallagan, 2016). Consistent law enforcement not only impacts consumer protection but also strengthens the competitiveness of domestic products and creates a healthier and more equitable business climate. The results of this study share similarities and differences with previous studies on the failure of consumer protection policies in developing countries. Several previous studies emphasized the importance of strong legal instruments and institutions as a foundation for consumer protection (Rahman, 2025). However, this study presents a more comprehensive dimension by highlighting the interaction between legal, political, and economic aspects that simultaneously contribute to the failure of consumer protection policies. This comparison is important for placing the findings in a global context and confirming that consumer protection problems in developing countries are not solely caused by weak regulations but also by the dynamics of surrounding political and economic interests.(Riefa & Saintier, 2020)

Specifically, this study focuses on factors that significantly contribute to the weak implementation of consumer protection, namely the prevalence of illegal products, weak legal sanctions, and the neglect of consumer rights. These findings expand existing understanding by adding an empirical dimension related to on-the-ground distribution practices and the behavior of business actors in exploiting regulatory loopholes (Micklitz & Reisch, 2021). Thus, this study not only replicates previous studies but also offers a critical perspective on the complexity of consumer protection governance in Indonesia, a representative of developing countries.(Dijck dkk., 2018)

Based on this analysis, the main recommendation is the need for more equitable

and decisive policy reforms. The government needs to take concrete steps through amendments(Flew & Martin, 2022) to the Consumer Protection Law to correct articles that weaken consumers' positions. Furthermore, oversight of the distribution of illegal products must be strengthened, and law enforcement must be implemented consistently and without discrimination, to maintain a balance between consumers, businesses, and the state. Implementing more assertive policies will ensure legal certainty, increase public trust, and create a healthy and competitive economic ecosystem.(Mwakatumbula dkk., 2019)



Main map this article

D. Conclusion

The main findings of this study indicate that the failure of consumer protection policies in Indonesia is rooted in three fundamental factors: economic, political, and legal. From an economic perspective, the government's inability to face global market pressures and the strong flow of imported products, particularly from major countries like China, demonstrates a weak protection strategy for domestic products. From a political perspective, imbalances in international relations strengthen the dominance of major trading partners, thereby weakening Indonesia's position in protecting the interests of domestic consumers. Meanwhile, from a legal perspective, existing regulations tend to favor businesses over consumers, thus negating the basic principle of equitable consumer protection. More specifically, this failure is not only due to irresponsible business behavior or low consumer awareness of their rights, but also due to weak regulations that do not guarantee legal certainty for the three pillars of consumer protection: consumers, business actors, and the government. This indicates a structural problem in the design and implementation of consumer protection policies in Indonesia. Therefore, this study emphasizes the importance of regulatory reform that is not only normative, but also applicable, so that the principles

of balance and legal certainty can truly be realized . This research is expected to contribute twofold: theoretically enriching the literature on consumer protection law, particularly regarding public policies that ensure the principle of balance; and practically providing input for relevant institutions such as the Consumer Dispute Resolution Agency, the National Consumer Protection Agency, Non-Governmental Consumer Protection Institutions, and legislative bodies. Nevertheless, the researcher recognizes that this research still has limitations and is not fully comprehensive. Therefore, constructive criticism and input from readers are highly needed to open up space for further discussion and enrich the direction of future research.

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