

## **ASPEK HUKUM PERLINDUNGAN KONSUMEN TERHADAP PRODUK PALSU DALAM MARKETPLACE DIGITAL DI INDONESIA**

### **ABSTRAK**

Perkembangan teknologi informasi telah mendorong pertumbuhan perdagangan melalui marketplace digital (*E-commerce*). Di sisi lain, perkembangan tersebut juga memunculkan berbagai permasalahan hukum, terutama maraknya peredaran produk palsu yang berpotensi merugikan konsumen. Fenomena ini menunjukkan bahwa perlindungan hukum terhadap konsumen dalam transaksi elektronik masih menghadapi berbagai tantangan dari aspek regulasi. Penelitian ini bertujuan untuk menganalisis pengaturan hukum perlindungan konsumen terhadap produk palsu dalam marketplace digital, tanggung jawab hukum pelaku usaha dan marketplace, mekanisme penyelesaian sengketa, serta kendala dan solusi dalam perlindungan konsumen. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan konseptual. Data diperoleh melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier yang relevan, kemudian dianalisis secara kualitatif dengan metode deskriptif-analitis. Kajian dilakukan terhadap Undang-Undang Perlindungan Konsumen, Undang-Undang Informasi dan Transaksi Elektronik, Peraturan Pemerintah tentang Perdagangan Melalui Sistem Elektronik, serta peraturan terkait lainnya. Hasil penelitian menunjukkan bahwa perlindungan hukum bagi konsumen akibat pembelian produk palsu telah diatur dalam berbagai instrumen hukum. Pelaku usaha yang memperdagangkan produk palsu dapat dimintai pertanggungjawaban secara perdata, administratif, maupun pidana. Marketplace sebagai penyelenggara sistem elektronik memiliki kewajiban melakukan pengawasan, menyediakan mekanisme pengaduan, menangani keluhan, dan menertibkan produk yang melanggar hukum. Konsumen berhak memperoleh informasi yang benar, keamanan dan kenyamanan, serta kompensasi apabila produk yang diterima tidak sesuai dengan perjanjian. Konsumen yang dirugikan dapat menempuh penyelesaian sengketa melalui jalur nonlitigasi maupun litigasi. Namun, efektivitas perlindungan hukum masih menghadapi hambatan berupa lemahnya pengawasan terhadap peredaran produk palsu, rendahnya kesadaran hukum masyarakat, sulitnya pembuktian dalam transaksi elektronik, serta belum optimalnya pengaturan mengenai tanggung jawab marketplace. Oleh karena itu, diperlukan penguatan regulasi, peningkatan pengawasan, optimalisasi tanggung jawab marketplace, dan edukasi hukum guna mewujudkan perlindungan hukum yang efektif dalam ekosistem perdagangan digital di Indonesia.

Kata Kunci: Perlindungan Hukum, Konsumen, Produk Palsu, Marketplace Digital, Tanggung Jawab Hukum.

## ABSTRACT

The development of information technology has encouraged the growth of trade through digital marketplaces (*E-commerce*). On the other hand, this development has also given rise to various legal issues, particularly the widespread circulation of counterfeit products that have the potential to harm consumers. This phenomenon indicates that legal protection for consumers in electronic transactions still faces various challenges from a regulatory perspective. This study aims to analyze the legal framework for consumer protection against counterfeit products in digital marketplaces, the legal liability of business actors and marketplace providers, dispute resolution mechanisms, as well as the obstacles and solutions related to consumer protection. This research employs a normative legal research method using statutory and conceptual approaches. The data were collected through library research on relevant primary, secondary, and tertiary legal materials and were analyzed qualitatively using a descriptive-analytical method. The study examines the Consumer Protection Law, the Electronic Information and Transactions Law, Government Regulations concerning Trade Through Electronic Systems, and other related regulations. The results indicate that legal protection for consumers who suffer losses due to the purchase of counterfeit products has been regulated through various legal instruments. Business actors who market counterfeit products may be held liable under civil, administrative, and criminal law. As electronic system providers, marketplaces are obligated to conduct supervision, provide complaint mechanisms, handle consumer grievances, and remove products that violate the law. Consumers are entitled to accurate information, safety and convenience, as well as compensation when the products received do not conform to the agreement. Consumers who suffer losses may pursue dispute resolution through both non-litigation and litigation mechanisms. However, the effectiveness of legal protection still faces obstacles, including weak supervision of counterfeit product distribution, low public legal awareness, difficulties in proving claims in electronic transactions, and the lack of optimal regulations regarding marketplace liability. Therefore, strengthening regulations, enhancing supervision, optimizing marketplace accountability, and improving legal education are necessary to establish effective legal protection within Indonesia's digital commerce ecosystem.

**Keywords:** Legal Protection, Consumers, Counterfeit Products, Digital Marketplace, Legal Liability.