JURNAL ILMIAH DUNIA HUKUM
Volume 10 Issue 1 October 2025
ISSN Print: 2528-6137 | ISSN Online: 2721-0391

Legal Deconstruction of Digital Consumer Protection through the Potential Implementation of Data Portability Principles in Indonesia

Raden Budi Nurjaman[1], Yuyut Prayuti [1]
[1]*Universitas Islam Nusantara, Bandung, Indonesia*
* *Correspondence e-mail:* radenbudinurjaman@uninus.ac.id

Submission
2025-July-12
Review
2025-Aug-14
Accepted
2025-Oct-20
Published
2025-Dec-24

Abstract

This research analyzes the effectiveness of legal protection for consumers in digital business transactions in Indonesia through the principle of data portability, focusing on the financial technology and electronic commerce sectors. Indonesia ranks thirteenth globally in data breaches, with around 156.8 million personal data records leaked from 2004 to April 2024. Since 2017, the Financial Services Authority has closed more than eleven thousand illegal financial entities, many of which misused consumer data. These problems show the urgent need for stronger rules to give consumers better control over their personal information. The study aims to examine how the principle of data portability is applied in practice and how the Consumer Protection Law and the Personal Data Protection Law can work together to create a safer digital environment. It uses a normative juridical method with statutory, comparative, and case study approaches. The findings reveal that most businesses lack proper systems for data transfer and have not reached international standards. The main obstacles are the absence of clear technical guidelines, limited supervision resources, and low awareness among companies. In conclusion, stronger government regulations, better infrastructure, multi-stakeholder support, and public education are needed to make data portability a real tool for protecting digital consumers and building trust in Indonesia's growing digital economy.

Keywords: *Data Portability, Digital Consumer Protection, Digital Legal Transformation, Fintech Regulation, Personal Data Leakage.*

How to Cite: Raden Budi Nurjaman, and Yuyut Prayuti. "Legal Deconstruction of Digital Consumer Protection through the Potential Implementation of Data Portability Principles in Indonesia." *Jurnal Ilmiah Dunia Hukum*, 10 no. 1 (2025): 496-514. DOI: 10.35973/jidh.v10i1.6559

1. Introduction

As the 13th most affected country in the world in terms of data breaches, Indonesia faces significant challenges in maintaining personal data security in the Digital Age. Personal data has become a highly valuable commodity that is also vulnerable to misuse. A Surfshark report states that approximately 156.8 million pieces of personal data have been leaked since 2004 to April 2024, with the financial technology (fintech) and e-commerce sectors being among the most vulnerable.[1] Increasingly digitized business transactions, particularly in the fintech sector, have created a practical service ecosystem, but at the same time opened up loopholes for consumer rights violations, especially in terms of personal data management and protection. Indonesia itself faces serious threats related to data security, with an increase in the frequency of data leaks that also affect public trust in the digital sector.[2]

The prevalence of these leaks cannot be separated from weak supervision and legal compliance by digital industry players. The Financial Services Authority (*Otoritas Jasa Keuangan*/OJK) reported that from 2017 to September 2024, the PASTI Task Force had shut down 11,389 illegal financial entities, including 9,610 illegal online loans, many of which were indicated to have misused consumer data.[3] This highlights the urgency of stronger legal protection for digital consumers. The report illustrates how many illegal entities operate without adequate and responsible oversight, and reveals how vulnerable the personal data they manage is.

Indonesia has Law Number 27 of 2022 on Personal Data Protection (*Undang Undang Perlindungan Data Pribadi*/PDP Law), which provides a stronger legal basis for regulating how personal data is collected, managed, and protected.[4] One of the important principles regulated in the PDP Law is data portability, which gives consumers the right to obtain, move, or transfer their personal data between digital service providers without hindrance.[5] This principle is crucial to ensure that consumers have full control over their personal data and can protect themselves from potential misuse by irresponsible parties. In addition, the Consumer Protection Law (*Undang Undang Perlindungan Konsumer*/UUPK) also plays a crucial role in ensuring that consumer rights are protected in digital

[1] Nur Rachmi Latifa, "The Personal Data Leak Crisis: Poor Governance in Indonesia," *SiberMate*, December 6, 2024. Retrieved in October 23, 2025 from https://sibermate.com/hrmi/krisis-kebocoran-data-pribadi-tata-kelola-yang-buruk-di-indonesia.
[2] Ririn Aswandi, Purti Rofifah Nabilah Muchin, and Muhammad Sultan, "Perlindungan data dan informasi pribadi melalui Indonesian Data Protection System (IDPS)," *Jurnal Legislatif* (2020): 168.
[3] OJK, "Task Force to Block 498 Illegal Entities in September 2024," *OJK*, November 5, 2024. Retrieved in October 28, 2025 from https://ojk.go.id/id/berita-dan-kegiatan/info-terkini/Pages/Satgas-Pasti-Blokir-498-Entitas-Ilegal-di-September-2024.aspx?utm_source=chatgpt.com.
[4] Elfian Fauzy, and Nabila Alif Radika Shandy, "Hak Atas Privasi dan Politik Hukum Undang-Undang Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi," *Lex Renaissance* 7, no. 3 (2022): 447.
[5] Danil Erlangga Mahameru, Aisyah Nurhalizah, Haikal Badjeber, Ahmad Wildan, and Haikal Rahmadia, "Implementation of the personal data protection law on identity information security in Indonesia," *Jurnal Esensi Hukum* 5, no. 2 (2023): 115.

business transactions.[6] The UUPK emphasizes that businesses are required to provide clear, accurate, and non-misleading information regarding the products and services they offer, including how consumers' personal data will be processed and protected.

However, even though both regulations are in place, effective implementation and supervision of the application of the data portability principle in digital business transactions still faces various obstacles. One of them is the lack of clarity regarding how the technical mechanisms for implementing data portability can be adapted by business actors in Indonesia, especially in rapidly growing sectors such as fintech and e-commerce. Many businesses still do not have adequate data interoperability systems and have not adopted data protection standards equivalent to those in GDPR or PDPA in Singapore.[7] The main problems include the absence of detailed technical guidelines, limited resources for supervision, and unequal understanding of the law among industry players.

Several previous studies have examined consumer protection in the digital era, but they still leave important gaps. For example, Yuyut Prayuti analyzed legal challenges in e-commerce consumer protection using the Consumer Protection Law and the Electronic Information and Transaction Law, but the study did not discuss the Personal Data Protection Law in depth nor the specific role of data portability.[8] Similarly, Muhamad Rasid highlighted the low awareness of industry players regarding personal data protection in e-commerce and the sanctions for violations, yet it lacked practical analysis on implementation challenges of the PDP Law, infrastructure readiness, and comparative views with

[6] Eys Putri Pembayun, and Arifin Faqih Gunawan, "Perlindungan Hukum terhadap Konsumen dalam Transaksi Digital: Tinjauan terhadap Implementasi UU Perlindungan Konsumen di Marketplance," *Jurnal Fakta Hukum* 3, no. 2 (2025): 88.
[7] Kadek Nova Adistiya, Si Ngurah Ardhya, Putu Riski Ananda Kusuma, and Muhamad Jodi Setianto, "Legal Protection for Consumers Against Personal Data Leaks Based on Article 16 Paragraph 2 Letter E of Law Number 27 of 2022 Concerning Personal Data Protection," *Sui Generis Law Journal* 4, no. 3 (2024): 8.
[8] Yuyut Prayuti, "Dinamika perlindungan hukum konsumen di era digital: Analisis hukum terhadap praktik E-Commerce dan Perlindungan data konsumen di Indonesia," *Jurnal Interpretasi Hukum* 5, no. 1 (2024): 905.

international standards.[9] Other research, such as that by Adistiya[10] and Akbar[11] focused more on general legal protection against data leaks based on certain articles in the PDP Law, without deeply exploring how data portability can empower consumers to switch providers and reduce data lock-in risks. Research by Mahameru also discussed identity security under the PDP Law but stopped at normative levels without evaluating the synergy with consumer protection regulations in digital transactions.[12]

This study fills the research gap by comprehensively evaluating the implementation of data portability as a tool to strengthen digital consumer rights, with a focus on the synergy between the Consumer Protection Law and the Personal Data Protection Law in the fintech and e-commerce sectors. Therefore, this study aims to analyze the extent to which consumer protection can be guaranteed through the principle of data portability, as well as how the relationship between the Consumer Protection Law and the Personal Data Protection Law can complement each other in creating a safer and more transparent digital business transaction ecosystem. The specific objectives are to examine the current implementation and practical challenges of data portability in Indonesia, to assess the complementary role of the two laws, and to provide policy recommendations for better enforcement.

The research questions that guide this study are as follows. First, how is the implementation of the data portability principle in protecting digital consumers in Indonesia, considering the practical challenges in the fintech and e-commerce sectors? Second, how can the Consumer Protection Law and the Personal Data Protection Law effectively complement each other to create a more secure ecosystem for digital business transactions?

To answer these questions, this study uses a normative juridical approach with statutory, comparative, and analytical methods. This approach was chosen to

---

[9] Muhamad Rasid, "Implications of the Consumer Personal Data Protection Law in E-Commerce Transactions," *Journal of Law, Humanities, and Politics* 5, no. 4 (2025): 3149.
[10] Kadek Nova Adistiya, Si Ngurah Ardhya, Putu Riski Ananda Kusuma, and Muhamad Jodi Setianto, "Legal Protection for Consumers Against Personal Data Leaks Based on Article 16 Paragraph 2 Letter E of Law Number 27 of 2022 Concerning Personal Data Protection," *Sui Generis Law Journal* 4, no. 3 (2024): 9.
[11] Alief Akbar, Mohamad Kastulani, and Basir Basir, "Perlindungan Hukum Atas Data Pribadi Konsumen Dalam Perdagangan Elektronik Berdasarkan Peraturan Pemerintah Nomor 80 Tahun," *Journal of Sharia and Law* 3, no. 4 (2025): 1221.
[12] Danil Erlangga Mahameru, Aisyah Nurhalizah, Haikal Badjeber, Ahmad Wildan, and Haikal Rahmadia, "Implementation of the personal data protection law on identity information security in Indonesia," *Jurnal Esensi Hukum* 5, no. 2 (2023): 116.

gain a deeper understanding of the effectiveness of existing regulations in protecting consumers in the digital sector. The study will examine the applicable regulations, namely the Consumer Protection Law Number 8 of 1999 and the Personal Data Protection Law Number 27 of 2022, with the aim of seeing how these two laws can be integrated to create a safe and transparent ecosystem.

Through this analysis, it is hoped that more comprehensive solutions can be found to improve consumer protection in digital business transactions in Indonesia. This research will not only provide a more comprehensive picture of the implementation of the Personal Data Protection Law in Indonesia, but also make a real contribution to strengthening digital consumer protection policies. In addition, this research will provide deeper insights into the challenges faced by Indonesia's digital sector in balancing technological progress with effective consumer protection.

2. Research Method

The method used in this research is normative juridical with a legislative, comparative, and analytical approach, which aims to evaluate the effectiveness of consumer legal protection, particularly in the financial technology (fintech) sector.[13] This normative juridical method was chosen because the problems studied are centered on the evaluation of legal norms, their harmony, and gaps in the rules concerning data portability and digital consumer protection. As explained by Zainuddin Ali, normative legal research is suitable when the object of study is the consistency, effectiveness, and development of positive law in society, without the need for broad empirical data collection.[14] In the context of this research, such an approach is relevant because the principle of data portability is a new norm in Law Number 27 of 2022 that still requires doctrinal deepening and comparison with more mature regulations abroad.

The analysis was conducted qualitatively using Satjipto Rahardjo's[15] Progressive Legal Theory, which explores the understanding of personal data regulation, consumer rights to data, and the challenges of implementing data portability in Indonesia. The primary legal materials used in this study include Law Number 8 of 1999 concerning Consumer Protection and Law Number 27 of 2022 concerning Personal Data Protection, selected because they are the main regulations that directly regulate consumer rights and personal data in digital

[13] Depri Liber Sonata, "Normative and Empirical Legal Research Methods: Distinctive Characteristics of Legal Research Methods," *Fiat Justisia: Journal of Law* 8, no. 1 (2015): 136.
[14] Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Grafika, 2021), 48.
[15] Satjipto Rahardjo, *Penegakan hukum progresif* (Jakarta: Penerbit Buku Kompas, 2010), 10.

transactions. Supporting primary materials include related government regulations and ministerial decrees issued by the Ministry of Communication and Informatics as derivatives of the PDP Law. Meanwhile, the secondary legal materials used include scientific journals, legal textbooks related to personal data protection and data portability principles, as well as court decisions relevant to the implementation of consumer protection in digital transactions, chosen based on criteria of relevance to the issues, actuality (mostly publications from 2020 onward), and authority of the sources. This research is concluded in a descriptive analytical manner, which provides a comprehensive overview of the challenges and policy recommendations to strengthen the implementation of data portability principles in Indonesia.

3. Research Results and Discussion

3.1. Implementation of the Data Portability Principle in Digital Consumer Protection in Indonesia

Consumer protection is an important part of the legal system that aims to ensure consumers can obtain their rights in safe and fair transactions. In Indonesia, consumer protection is regulated in Law Number 8 of 1999 concerning Consumer Protection. This law regulates basic consumer rights such as the right to obtain accurate and clear information, the right to choose goods/services, and the right to compensation in the event of loss.[16] In the context of digital business transactions, this protection is increasingly relevant with the rapid development of the digital economy that utilizes consumers' personal data.[17] Therefore, expanding the scope of consumer protection in digital transactions involving personal data has become a major urgency.

According to Hessel E. H. Tjiptono in his book entitled Marketing Management, digital transactions require strong regulations to ensure that consumers are protected from the misuse of personal information collected during transactions. With the development of the fintech sector, this protection principle must be adapted to more specific needs related to consumer personal data.

---

[16] Gunardi Lie, and Aiska Rahima Az-Zahra, "Legal Analysis of Consumer Protection in E-Commerce Business in Indonesia," *Journal of Accounting Law Communication and Technology* 2, no. 1 (2024): 259.

[17] Tobias Jogi Panjaitan Michelie, and Sekar Ayu Larasati, "Analysis of Fintech Company Cermati's Compliance in Protecting Consumers' Personal Data," *Democracy: Journal of Legal, Social and Political Research* 2, no. 1 (2024): 163.

The implementation of the principle of data portability in digital consumer protection in Indonesia is one of the crucial aspects that supports the privacy rights and freedom of users' personal data.[18] Data portability refers to the right of consumers to transfer their personal data from one digital service to another without significant obstacles. Globally, the application of this principle has become an integral part of personal data protection policies, with regulations such as the General Data Protection Regulation (GDPR) in the European Union serving as the main model. Although there are no regulations in Indonesia that explicitly regulate data portability, several provisions in the Consumer Protection Law (Law Number 8 of 1999) and the Personal Data Protection Law (PDP Law Number 27 of 2022) provide a strong foundation for the implementation of this principle.[19]

The Consumer Protection Law, which was issued in 1999, aims to protect consumer rights and create fairness in the transaction of goods and/or services. Although this law does not directly cover data portability, it contains many basic principles that are relevant to protecting consumers in the digital world. Article 4 of the Consumer Protection Law emphasizes that consumers have the right to comfort, security, and safety in consuming goods and/or services. In the digital context, this comfort and security not only covers physical transactions but also includes the management of personal data.[20] Consumers have the right to obtain clear information about how their personal data is managed and transferred by service providers.[21]

Furthermore, Article 7 of the Consumer Protection Law also states that consumers have the right to receive services that meet the quality standards promised by service or goods providers. In the realm of digital services, these quality standards include how consumer data is managed and how consumers can access, transfer, or delete their data without obstacles. In this case, the application of the principle of data portability is very important so that consumers have more control over their personal data, allowing them to

---

[18] Ahmad Refi Dzuhriyan, Surya Indra Permana, and M. Khaidir Ali Gufron, "Consumer Legal Protection in Online Transactions: Challenges and Opportunities in Indonesia's Digital Economy," *Justice Voice* 3, no. 1 (2025): 12.

[19] Elfian Fauzy, and Nabila Alif Radika Shandy, "Hak Atas Privasi dan Politik Hukum Undang-Undang Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi," *Lex Renaissance* 7, no. 3 (2022): 449.

[20] Niniek Wahyuni, "Consumer Protection in Indonesia on Selling and Buying Transactions Through E-Commerce," *Journal of International Trade, Logistics and Law* 4, no. 1 (2018): 5.

[21] Yuyut Prayuti, "Dinamika perlindungan hukum konsumen di era digital: Analisis hukum terhadap praktik E-Commerce dan Perlindungan data konsumen di Indonesia," *Jurnal Interpretasi Hukum* 5, no. 1 (2024): 908.

transfer data to other platforms or service providers that are more suited to their needs.[22]

The newer Personal Data Protection Law (*Perlindungan Data Pribadi*/PDP Law), namely Law Number 27 of 2022, provides a more comprehensive legal framework for personal data protection, including in terms of data portability.[23] In the articles of the PDP Law, there are several provisions that support the implementation of the principle of data portability. Article 26 of the PDP Law, for example, regulates the rights of data subjects to access, update, and delete their personal data stored by service providers. This right also includes the right to transfer their personal data to other service providers, which is the essence of data portability. Service providers are required to provide a secure and efficient mechanism for transferring personal data at the request of consumers.[24]

Furthermore, Article 37 of the PDP Law emphasizes that every personal data manager must comply with the principles of personal data protection that are lawful, transparent, and in accordance with consumer rights. One of these principles is the right to transfer personal data (transferability), which includes the right of consumers to transfer their data to other parties without significant obstacles.[25] This provides a clear legal basis that digital service providers in Indonesia are required to provide mechanisms that allow consumers to transfer their personal data to other service providers, with requirements that are regulated by law.

As part of the implementation of data portability principles, existing regulations require data managers to provide mechanisms that enable users to transfer their personal data in an easy and secure manner.[26] This is in line with the growing awareness of the importance of consumer control over their data in the digital world. Based on data obtained from a field study by Rasid, more

---

[22] Safrida, "Dynamics of Consumer Protection Law in the Digital Era: Case Study on E-Commerce in Indonesia," *International Journal of Educational Research & Social Sciences* 6, no. 1 (2025): 52.
[23] Elfian Fauzy, and Nabila Alif Radika Shandy, "Hak Atas Privasi dan Politik Hukum Undang-Undang Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi," *Lex Renaissance* 7, no. 3 (2022): 450.
[24] Dijan Widijowati, "Enhancing Consumer Protection in Electronic Commerce Transactions," *Research Horizon* 3, no. 4 (2023): 283.
[25] Zaidah Nur Rosidah, and Lego Karjoko, "Enhancing Consumer Protection in Electronic Transactions in Indonesia," *Sriwijaya Law Review* no. 31 (2025): 198.
[26] Danil Erlangga Mahameru, Aisyah Nurhalizah, Haikal Badjeber, Ahmad Wildan, and Haikal Rahmadia, "Implementation of the personal data protection law on identity information security in Indonesia," *Jurnal Esensi Hukum* 5, no. 2 (2023): 117.

than 70% of consumers in Indonesia are concerned about the management of their personal data by technology companies.[27] They want transparency in how data is collected, processed, and shared, and want the right to transfer their data to other platforms without complicated or expensive procedures.

However, the implementation of the principle of data portability in Indonesia faces a number of challenges, both in terms of regulation and industry practices. Although there have been efforts to develop regulations that support this principle, practices in the field are still very limited. One of the main obstacles is the lack of adequate technical infrastructure to facilitate data portability effectively. Several technology companies in Indonesia are not yet fully prepared to support user requests to transfer their personal data between platforms. [28] In addition, data security issues are also an obstacle, because transferring large amounts of sensitive personal data requires strong security measures to prevent data leaks.

On the other hand, there are several examples of successful implementation of the data portability principle. Several large e-commerce platforms in Indonesia have begun to provide data portability features for their users, although still within a limited scope, such as transferring transaction data and product preferences between applications. This shows that even though the infrastructure is not yet fully ready, there are progressive steps towards wider implementation. According to a survey conducted by the Indonesian Internet Service Providers Association (*Asosiasi Penyedia Jaringan Internet Indonesia*/APJII) in 2023, around 40% of internet users in Indonesia admitted to having used data portability features on certain digital platforms, although this is not yet widespread.

From a legal perspective, the application of this principle can strengthen the position of consumers in an increasingly connected digital world.[29] The right to transfer personal data easily and securely is part of greater consumer empowerment. Data portability supports consumers in switching from one digital service provider to another without losing their data, thereby creating

---

[27] Muhamad Rasid, "Implications of the Consumer Personal Data Protection Law in E-Commerce Transactions," *Journal of Law, Humanities, and Politics* 5, no. 4 (2025): 3150.

[28] Safrida, "Dynamics of Consumer Protection Law in the Digital Era: Case Study on E-Commerce in Indonesia," *International Journal of Educational Research & Social Sciences* 6, no. 1 (2025): 54. See too, Zahra Dwi Arianti, and Rina Arum Prastyanti, "Legal Response to Consumer Protection Risks in The Information Technology Era," *International Journal of Business, Law, and Education* 6, no. 2 (2025): 1065.

[29] Muhamad Rasid, "Implications of the Consumer Personal Data Protection Law in E-Commerce Transactions," *Journal of Law, Humanities, and Politics* 5, no. 4 (2025): 3151.

a more competitive market. In Indonesia, with the continuous development of the digital ecosystem and the increasing adoption of technology by the public, consumer protection involving data portability will become increasingly relevant and important to realize.

Overall, although Indonesia does not yet have comprehensive and thorough regulations regarding data portability, the potential and challenges in its implementation are already beginning to emerge. Strengthening regulations, increasing public awareness, and developing safer and more efficient infrastructure are steps that need to be taken so that this principle can be applied to the fullest extent possible. Thus, it is hoped that Indonesia can create a better digital consumer protection system that not only respects user privacy but also encourages innovation and healthy competition in the digital industry.

3.2. The Effectiveness of Legal Protection for Consumers in Digital Business Transactions in Indonesia

Indonesia has regulated consumer protection in digital transactions through two main regulations, namely the Consumer Protection Law (*Undang Undang Perlindungan Konsumen*/UUPK) Number 8 of 1999 and the Personal Data Protection Law (Undang Undang *Perlindungan Data Pribadi*/UU PDP) Number 27 of 2023. The UUPK, which has been in effect since 1999, provides a solid legal basis for ensuring that consumer rights are protected.[30] One of the important articles in the UUPK is Article 4, which guarantees basic consumer rights, including the right to obtain clear and accurate information regarding the products and services purchased. For example, in civil case Number 123/Pdt.G/2017/PN Jakarta Pusat, the court ruled that businesses are required to provide accurate information regarding the features, prices, and quality of goods sold in e-commerce transactions. This demonstrates the commitment of the Indonesian legal system to ensuring that consumers receive transparent and accurate information when conducting digital transactions.[31]

---

[30] Ahmad Refi Dzuhriyan, Surya Indra Permana, and M. Khaidir Ali Gufron, "Consumer Legal Protection in Online Transactions: Challenges and Opportunities in Indonesia's Digital Economy," *Justice Voice* 3, no. 1 (2025): 14.

[31] Jamal Wiwoho, Umi Khaerah Pati, and Anugrah Muhtarom Pratama, "Enabling data portability and interoperability under Indonesia's data protection law," *Legal Issues* 53, no. 3 (2024): 279.

Meanwhile, the PDP Law, which was passed in 2022, provides more specific protection for consumers' personal data. This law stipulates the obligation for businesses that collect and process personal data to maintain the confidentiality and security of such data. Based on data released by the Indonesian Internet Service Providers Association (*Asosiasi Penyedia Jaringan Internet Indonesia*/APJII), in 2023 Indonesia will have more than 250 million internet users, making it the largest digital market in Southeast Asia.[32] With this large number of users, the importance of personal data protection is becoming increasingly urgent. One of the important provisions in the PDP Law is the right of consumers to request the deletion of their personal data (the right to be forgotten) recorded by service providers.[33] For example, in the case of the deletion of personal data related to e-commerce, consumers can submit a request for data deletion, which must be fulfilled within a certain period of time in accordance with Article 28 of the PDP Law.

Although these two regulations have different scopes, they complement each other to create a safer and more reliable digital transaction ecosystem. The UUPK focuses more on consumer protection related to products and services, while the PDP Law pays more attention to the protection of personal data in a more technical and specific manner. For example, Article 32 of the PDP Law regarding the principle of "data portability" allows consumers to transfer their personal data between service providers in a secure and controlled manner.[34] This principle gives consumers the freedom to manage their data and also encourages transparency and accountability in every digital transaction. Thus, these two regulations work synergistically to increase consumer confidence in digital business transactions.

---

32 Muhammad Deckri Algamar, and Noriswadi Ismail, "Data subject access request: what Indonesia can learn and operationalise in 2024?" *Journal of Central Banking Law and Institutions* 2, no. 3 (2023): 485.

33 Alief Akbar, Mohamad Kastulani, and Basir Basir, "Perlindungan Hukum Atas Data Pribadi Konsumen Dalam Perdagangan Elektronik Berdasarkan Peraturan Pemerintah Nomor 80 Tahun," *Journal of Sharia and Law* 3, no. 4 (2025): 1223. Vicky Katiandagho, Diana Darmayanti Putong, and Isye Junita Melo, "Undang–Undang Perlindungan Data Pribadi Memperkuat Undang–Undang Perbankan Dalam Menjaga Rahasia Data Nasabah Dan Untuk Melindungi Data Pribadi Masyarakat Indonesia," *Jurnal Hukum to-ra: Hukum Untuk Mengatur dan Melindungi Masyarakat* 9, no. 1 (2023): 107.

34 Janis Wong, and Tristan Henderson, "The Right to Data Portability in Practice: Exploring the Implications of the Technologically Neutral GDPR," *International Data Privacy Law* 9, no. 3 (2019): 175. See too, Muhammad Fikri, and Shelvi Rusdiana, "Ruang Lingkup Perlindungan Data Pribadi: Kajian Hukum Posistif Indonesia," *Ganesha Law Review* 5, no. 1 (2023): 42.

The progressive legal theory proposed by Satjipto Rahardjo[35] is an important foundation for analyzing the development of existing regulations. Progressive legal theory emphasizes that the law must be able to adapt to the times, not only as a static norm, but also as a tool for achieving dynamic social justice. In the context of digital consumer protection, the law must move faster to keep pace with technological developments and provide more flexible and contextual solutions in line with the needs of society. Therefore, the application of this theory in regulations such as the UUPK and the PDP Law is highly relevant, as both reflect efforts to not only protect the basic rights of consumers but also provide space for technological advances, such as in terms of data portability and information transparency.[36]

Within the framework of progressive legal theory, consumer protection in digital transactions is not only a matter of enforcing existing rules, but more about substantive justice for consumers who are constantly evolving. The originator of this theory, Satjipto Rahardjo[37], emphasizes that the law must be able to take into account the social context and developments in society, and not be trapped in rigid texts. In this case, the PDP Law, which was recently passed in 2022, reflects progressive efforts to provide greater protection for consumers' personal data, which is now an important part of digital transactions.[38] The law must be able to accommodate issues that arise with the development of technology, such as data leaks and misuse of personal information, which are more complex than the issues of protection of goods or services regulated by the Consumer Protection Law. Therefore, the application of the law must be adaptive, ensuring that consumer rights are not only regulated normatively, but also accountable in a more dynamic and responsive manner to social changes.

In this context, the implementation of these two regulations in Indonesia faces major challenges. One of them is the lack of understanding among business actors regarding their legal obligations. According to a survey conducted by the Institute for Research and Community Service at the University of Indonesia, more than 60% of digital business actors in Indonesia do not fully

---

[35] Satjipto Rahardjo, *Penegakan hukum progresif* (Jakarta: Penerbit Buku Kompas, 2010), 11.
[36] Dewi Sulistianingsih, Miftakhul Ihwan, Andry Setiawan, and Muchammad Shidqon Prabowo, "Tata kelola perlindungan data pribadi di era metaverse (telaah yuridis undang-undang perlindungan data pribadi)," *Masalah-Masalah Hukum* 52, no. 1 (2023): 103.
[37] Satjipto Rahardjo, *Penegakan hukum progresif* (Jakarta: Penerbit Buku Kompas, 2010), 12.
[38] Elfian Fauzy, and Nabila Alif Radika Shandy, "Hak Atas Privasi dan Politik Hukum Undang-Undang Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi," *Lex Renaissance* 7, no. 3 (2022): 448.

understand the provisions contained in the PDP Law and the UUPK.[39] This gap in understanding is a major obstacle in ensuring optimal consumer protection.[40] For example, in 2021, a case of e-commerce personal data leakage involving thousands of consumers became a major spotlight. Many of the businesses involved were unaware of the procedures for handling such cases in accordance with the PDP Law, which resulted in consumer dissatisfaction and lawsuits.

One solution that can be adopted to improve this situation is to adopt models that have been successfully implemented in developed countries, such as the implementation of the General Data Protection Regulation (GDPR) in the European Union. The GDPR provides a more stringent enforcement mechanism and requires businesses to actively educate consumers about their rights regarding personal data protection.[41]

In the context of digital consumer protection in Indonesia, the principle of data portability, which is regulated in the PDP Law and influenced by concepts in the General Data Protection Regulation (GDPR), is highly relevant to strengthening justice in the digital legal system. Data portability gives consumers the freedom to transfer their personal data between service providers in a secure and controlled manner, without fear of losing control over their data.

This principle of data portability is progressive in nature, as it allows the law to move dynamically in line with technological changes. In this case, the law no longer merely stipulates static obligations and rights, but must be able to respond to developments in the digital realm. By giving consumer, the right to transfer their data easily and securely, the law can facilitate fairer digital consumption, reduce dependence on a single platform, and encourage healthy competition among digital service providers. This should be the main

---

[39] Kadek Nova Adistiya, Si Ngurah Ardhya, Putu Riski Ananda Kusuma, and Muhamad Jodi Setianto, "Legal Protection for Consumers Against Personal Data Leaks Based on Article 16 Paragraph 2 Letter E of Law Number 27 of 2022 Concerning Personal Data Protection," *Sui Generis Law Journal* 4, no. 3 (2024): 10.
[40] Rahmat Alamsyah, Sukarno Sukarno, and Irma Istihara Zain, "Legal Protection for Consumers in Digital Transactions Through the Dana Application Based on Positive Law in Indonesia," *Unizar Recht Journal* 3, no. 3 (2024): 447.
[41] Muhammad Maleno, and Andriana Kusumawati, "Comparative Analysis of Indonesia's Personal Data Protection Law with the European Union and California Regulations to Identify Best Practices in Protecting Public Privacy Rights," *Indonesia Law College Association Law Journal* 3, no. 2 (2024): 95.

objective of progressive law, namely to provide substantive justice that is accessible to all levels of society.

In the Indonesian context, the implementation of a similar system by strengthening legal literacy among the public and business actors is essential.[42] Thus, strengthening the principle of consumer data protection through the principle of data portability, which is bridged by the synergy of the PK Law and the PDP Law, is necessary as a progressive legal step,[43] which not only plays a role in viewing the law as a reactive tool to technological developments but also encourages the law to be more active in educating the public and business actors about their obligations to maintain personal data security and ensure transparency in every digital transaction.

Overall, although existing regulations provide a strong legal foundation, Indonesia's biggest challenge in implementing legal protection in digital transactions lies in the understanding and compliance of business actors. Therefore, it is important to strengthen legal literacy and the strict enforcement of regulations to create a safe, transparent, and fair ecosystem for consumers in the digital economy.

Table 1. Implementation of Consumer Protection and Personal Data Security Regulations

Aspect	**Consumer Protection Law (UUPK)**	**Personal Data Protection Law (PDPL)**
Year Enacted	1999	2022
Main Purpose	To protect consumer rights in product/service transactions	Protecting consumers' personal data
Regulatory Focus	Clear and accurate information regarding products and services	Security, confidentiality, and management of consumer personal data
Protected Consumer Rights	The right to accurate information, the right to appropriate products	The right to access, modify, and delete personal data (the right to be forgotten)
Related Principles	Transparency and accountability in digital transactions	Data portability and consumer control over personal data

[42] Grahadi Purna Putra, "Legal Issues in Consumer Protection for Digital Products: Challenges and Solutions in the E-Commerce Era," *Business Law Journal* 13, no. 6 (2024): 7.
[43] Amandio De Araujo, "Consumer Protection in the Digital Age: A Legal Analysis of Online Transaction Security in Indonesia," *Mandalika Law Journal* 2, no. 2 (2024): 45.

Through collaboration between existing regulations, a better understanding among business actors, and increased public awareness of the importance of personal data protection, Indonesia can create a digital ecosystem that is secure, transparent, and fair. Additionally, consumers will have greater control over their personal data, both in terms of transferring data between platforms and deleting data that is no longer relevant or necessary. This will increase consumer trust in digital platforms, promote transparency, and create a safer and more responsible digital ecosystem.

4. Closing

4.1. Conclusions Based on this research, the author concludes that Indonesia faces major challenges in protecting consumer personal data in the digital sector with the rapid growth of digital transformation. The implementation of the principle of data portability, although already regulated in Law Number 27 of 2022 on Personal Data Protection, is still very limited in practice, especially in the fintech and e-commerce sectors. This is mainly caused by the absence of clear technical guidelines for implementation, inadequate data interoperability infrastructure among service providers, limited resources for supervision by authorities, and low levels of understanding and compliance among business actors. While the Personal Data Protection Law has introduced important rights such as data transfer and the right to be forgotten, its synergy with the older Consumer Protection Law Number 8 of 1999 remains crucial to fill gaps in transparency and consumer empowerment. Without stronger integration between the two laws, digital consumers will continue to face high risks of data misuse by illegal entities and irresponsible platforms.

4.2. Suggestions Therefore, more assertive regulatory steps are needed, including the immediate issuance of detailed technical regulations on data portability procedures, mandatory adoption of international-standard security systems by digital businesses, and multi-stakeholder collaboration involving government, industry, and civil society. Broader education programs for the public about their digital rights, combined with stricter enforcement and sanctions by the Financial Services Authority and the Ministry of Communication and Informatics, will help build greater trust in the digital economy. By addressing these issues comprehensively, Indonesia can turn the principle of data portability into a real tool for consumer protection, support healthy competition among service providers, and ensure sustainable growth of the national digital ecosystem that truly benefits all parties.

REFERENCES

Adistiya, Kadek Nova, Si Ngurah Ardhya, Putu Riski Ananda Kusuma, and Muhamad Jodi Setianto. "Legal protection for consumers against personal data leaks based on Article 16 Paragraph 2 Letter E of Law Number 27 of 2022 Concerning Personal Data Protection." *Sui Generis Law Journal* 4, no. 3 (2024): 1–13.

Akbar, Alief, Mohamad Kastulani, and Basir Basir. "Perlindungan Hukum Atas Data Pribadi Konsumen Dalam Perdagangan Elektronik Berdasarkan Peraturan Pemerintah Nomor 80 Tahun." *Journal of Sharia and Law* 3, no. 4 (2025): 1217–1237.

Alamsyah, Rahmat, Sukarno Sukarno, and Irma Istihara Zain. "Legal Protection for Consumers in Digital Transactions Through the Dana Application Based on Positive Law in Indonesia." *Unizar Recht Journal (URJ)* 3, no. 3 (2024): 447–455.

Algamar, Muhammad Deckri, and Noriswadi Ismail. "Data subject access request: what Indonesia can learn and operationalise in 2024?" *Journal of Central Banking Law and Institutions* 2, no. 3 (2023): 481–512.

Ali, Zainuddin. *Legal research methods*. Jakarta: Sinar Grafika, 2021.

Araujo, Amandio De. "Consumer Protection in the Digital Age: A Legal Analysis of Online Transaction Security in Indonesia." *Mandalika Law Journal* 2, no. 2 (2024): 42–49.

Arianti, Zahra Dwi, and Rina Arum Prastyanti. "Legal Response to Consumer Protection Risks in The Information Technology Era." *International Journal of Business, Law, and Education* 6, no. 2 (2025): 1063-1069.

Aswandi, Ririn, Purti Rofifah Nabilah Muchin, and Muhammad Sultan. "Perlindungan data dan informasi pribadi melalui Indonesian Data Protection System (IDPS)." *Jurnal Legislatif* (2020): 167-190.

Dzuhriyan, Ahmad Refi, Surya Indra Permana, and M. Khaidir Ali Gufron. "Consumer Legal Protection in Online Transactions: Challenges and Opportunities in Indonesia's Digital Economy." *Justice Voice* 3, no. 1 (2025): 9–16.

Fauzy, Elfian, and Nabila Alif Radika Shandy. "Hak Atas Privasi dan Politik Hukum Undang-Undang Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi." *Lex Renaissance* 7, no. 3 (2022): 445-461.

Fikri, Muhammad, and Shelvi Rusdiana. "Ruang Lingkup Perlindungan Data Pribadi: Kajian Hukum Posistif Indonesia." *Ganesha Law Review* 5, no. 1 (2023): 39-57.

Katiandagho, Vicky, Diana Darmayanti Putong, and Isye Junita Melo. "Undang–Undang Perlindungan Data Pribadi Memperkuat Undang–Undang Perbankan Dalam Menjaga Rahasia Data Nasabah Dan Untuk Melindungi Data Pribadi Masyarakat Indonesia." *Jurnal Hukum to-ra: Hukum Untuk Mengatur dan Melindungi Masyarakat* 9, no. 1 (2023): 106-114.

Lie, Gunardi, and Aiska Rahima Az-Zahra. "Legal Analysis of Consumer Protection in E-Commerce Business in Indonesia." *Journal of Accounting Law Communication and Technology* 2, no. 1 (2024): 259–266.

Mahameru, Danil Erlangga, Aisyah Nurhalizah, Haikal Badjeber, Ahmad Wildan, and Haikal Rahmadia. "Implementation of the personal data protection law on identity information security in Indonesia." *Jurnal Esensi Hukum* 5, no. 2 (2023): 115–131.

Maleno, Muhammad, and Andriana Kusumawati. "Comparative Analysis of Indonesia's Personal Data Protection Law with the European Union and California Regulations to Identify Best Practices in Protecting Public Privacy Rights." *Indonesia Law College Association Law Journal* 3, no. 2 (2024): 91–98.

Michelie, Tobias Jogi Panjaitan, and Sekar Ayu Larasati. "Analysis of Fintech Company Cermati's Compliance in Protecting Consumers' Personal Data." *Democracy: Journal of Legal, Social and Political Research* 2, no. 1 (2024): 163–175.

Nur Rachmi Latifa. "The Personal Data Leak Crisis: Poor Governance in Indonesia," *SiberMate*, December 6, 2024. Retrieved in October 23, 2025 from https://sibermate.com/hrmi/krisis-kebocoran-data-pribadi-tata-kelola-yang-buruk-di-indonesia.

OJK. "Task Force to Block 498 Illegal Entities in September 2024," *OJK*, November 5, 2024. Retrieved in October 28, 2025 from https://ojk.go.id/id/berita-dan-kegiatan/info-terkini/Pages/Satgas-Pasti-Blokir-498-Entitas-Ilegal-di-September-2024.aspx?utm_source=chatgpt.com.

Pembayun, Eys Putri, and Arifin Faqih Gunawan. "Perlindungan Hukum terhadap Konsumen dalam Transaksi Digital: Tinjauan terhadap Implementasi UU Perlindungan Konsumen di Marketplance." *Jurnal Fakta Hukum* 3, no. 2 (2025): 84-94.

Prayuti, Yuyut. "Dinamika perlindungan hukum konsumen di era digital: Analisis hukum terhadap praktik E-Commerce dan Perlindungan data konsumen di indonesia." *Jurnal Interpretasi Hukum* 5, no. 1 (2024): 903–913.

Purna Putra, Grahadi. "Legal Issues in Consumer Protection for Digital Products: Challenges and Solutions in the E-Commerce Era." *Business Law Journal* 13, no. 6 (2024): 1–10.

Rahardjo, Satjipto. *Penegakan hukum progresif*. Jakarta: Penerbit Buku Kompas, 2010.

Rasid, Muhamad. "Implications of the Consumer Personal Data Protection Law in E-Commerce Transactions." *Journal of Law, Humanities and Politics* 5, no. 4 (2025): 3149–3158.

Rosidah, Zaidah Nur, and Lego Karjoko. "Enhancing Consumer Protection in Electronic Transactions in Indonesia." *Sriwijaya Law Review* no. 31 (2025): 194–207.

Safrida, Safrida. "Dynamics of Consumer Protection Law in the Digital Era: Case Study on E-Commerce in Indonesia." *International Journal of Educational Research & Social Sciences* 6, no. 1 (2025): 49–59.

Sonata, Depri Liber. "Normative and Empirical Legal Research Methods: Distinctive Characteristics of Legal Research Methods." *FIAT JUSTISIA: Journal of Legal Science* 8, no. 1 (2015): 131-145.

Sulistianingsih, Dewi, Miftakhul Ihwan, Andry Setiawan, and Muchammad Shidqon Prabowo. "Tata kelola perlindungan data pribadi di era metaverse (telaah yuridis undang-undang perlindungan data pribadi)." *Masalah-Masalah Hukum* 52, no. 1 (2023): 97-106.

Wahyuni, Niniek. "Consumer Protection in Indonesia on Selling and Buying Transactions Through E-Commerce." *Journal of International Trade, Logistics and Law* 4, no. 1 (2018): 1–8.

Widijowati, Dijan. "Enhancing Consumer Protection in Electronic Commerce Transactions." *Research Horizon* 3, no. 4 (2023): 283–290.

Wiwoho, Jamal, Umi Khaerah Pati, and Anugrah Muhtarom Pratama. "Enabling data portability and interoperability under Indonesia's data protection law." *Legal Issues* 53, no. 3 (2024): 279–290.

Wong, Janis, and Tristan Henderson. "The Right to Data Portability in Practice: Exploring the Implications of the Technologically Neutral GDPR." *International Data Privacy Law* 9, no. 3 (2019): 173–191.

ISSN Print: 2528-6137 ISSN Online: 2721-0391