



## Legal Protection for Consumers in Online Sales and Purchase Agreements from the Perspective of Commercial Law

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<b>Article History</b> Received: 2026-01-03 Revised: 2026-01-13 Published: 2026-01-30  <b>Keywords:</b> <i>Commercial Law; Consumer Law; Online Buying and Selling; Agreements</i>	The rapid development of information technology has fundamentally transformed commercial activities, particularly through the growth of online buying and selling transactions conducted via digital platforms. These transactions are legally based on agreements between business actors and consumers, thereby creating civil law relationships governed by commercial and contract law principles. However, in practice, online transactions frequently give rise to legal problems, including breach of contract, non-conformity of goods or services, misinformation, and various forms of consumer loss. These issues highlight the need for effective legal protection mechanisms to balance the unequal positions of consumers and business actors in the digital marketplace. This study aims to analyze the forms and effectiveness of consumer legal protection in online buying and selling agreements from a commercial law perspective. The research employs a normative legal research method using statutory and conceptual approaches, focusing on relevant commercial law principles, consumer protection regulations, and electronic transaction laws. The analysis examines the extent to which existing legal frameworks provide preventive and repressive protection for consumers, particularly in relation to contractual rights, obligations, and dispute resolution mechanisms. The findings indicate that commercial law and related regulations have established a normative foundation for consumer protection in online transactions. Nevertheless, significant challenges remain in their practical implementation, particularly regarding law enforcement effectiveness, regulatory supervision, and the level of public legal awareness. Strengthening institutional enforcement and improving consumer legal literacy are therefore essential to ensure effective consumer protection in the digital trading environment.

### I. INTRODUCTION

Legal science occupies a strategic position in regulating and directing social, national, and state life. Law does not merely function as a system of binding norms but also serves as a normative instrument to realize justice, legal certainty, and social utility. As society continues to evolve dynamically, law is inevitably required to adapt and respond to emerging social realities and increasingly complex legal problems. This adaptive function underscores the necessity of continuously re-examining legal norms and institutions to ensure their relevance and effectiveness (Marsca & Humaira, 2022).

The development of modern society has generated legal issues that are multidimensional

and interconnected, making them difficult to analyze through a single legal perspective. Legal problems often intersect with economic, technological, cultural, and ethical dimensions, thereby demanding a comprehensive and multidisciplinary legal approach. In this context, various branches of legal science such as constitutional law, criminal law, civil law, Islamic law, and international law are interrelated in constructing a holistic analytical framework for understanding contemporary legal phenomena (Atmojo & Fuad, 2023).

Academic legal studies play a pivotal role in critically examining and advancing legal thought through systematic research and scholarly publications. Such studies enable the evaluation of

legal concepts, principles, and norms in light of societal needs and transformations. Beyond contributing to theoretical development, academic legal research also functions as a foundation for improving legal practice and policymaking, ensuring that law remains responsive and adaptive to social change (Sihombing, 2023).

Within the broader context of globalization and rapid technological advancement, economic and trade activities have undergone profound transformation. These changes have significantly influenced the development of commercial law, particularly in regulating legal relationships arising from digital economic activities. One of the most prominent manifestations of this transformation is the emergence of online buying and selling transactions that rely on electronic platforms as the primary medium of commerce (Zaini, 2024).

Online commercial transactions are fundamentally based on agreements between business actors and consumers, thereby creating legal relationships characterized by reciprocal rights and obligations. However, in practice, such transactions frequently give rise to legal disputes, including non-conforming goods, delayed or failed delivery, misleading information, and the non-fulfillment of consumer rights. These issues reflect structural imbalances in bargaining power and information asymmetry between businesses and consumers in digital trade (Harmain, 2019).

In this context, commercial law plays a crucial role in ensuring that trade activities are conducted fairly, transparently, and in accordance with legal standards. Legal protection for consumers constitutes an essential component of commercial law, particularly in addressing the challenges posed by electronic transactions. Therefore, an in-depth study of consumer legal protection in online buying and selling agreements is both relevant and necessary to assess the adequacy of existing legal frameworks and their capacity to respond effectively to contemporary commercial and technological developments.

## **II. RESEARCH METHODS**

This research employs a legal research approach aimed at examining and analyzing legal norms related to the issues discussed in this study (Tehupeiory, 2021). The selection of this approach is based on the focus of the research, which is directed toward understanding legal provisions governing legal relations in commercial activities, particularly those concerning agreements and legal protection for the parties involved. Through this approach, the study seeks to provide a systematic and comprehensive understanding of how legal norms regulate commercial relationships and protect the interests of business actors and consumers.

The type of research used is normative legal research, which conceptualizes law as a set of norms, principles, and rules that operate within the legal system. Normative legal research is conducted by examining laws and regulations, legal principles, and legal doctrines relevant to the research topic. This type of research is appropriate because the study does not aim to collect empirical data from the field, but rather to analyze legal concepts and norms that govern commercial law and consumer protection. By using normative legal research, the study is able to focus on the coherence, consistency, and adequacy of legal norms in regulating commercial relationships.

The approaches applied in this research include the statutory approach and the conceptual approach. The statutory approach is used to examine various laws and regulations related to commercial law and consumer protection. Through this approach, the study analyzes the substance, structure, and legal implications of statutory provisions that regulate agreements, the rights and obligations of the parties, and the responsibility of business actors. This approach allows the research to assess the normative framework that forms the legal basis of commercial activities.

In addition to the statutory approach, a conceptual approach is employed to analyze legal concepts and doctrines related to agreements, commercial transactions, and legal protection. The conceptual approach is essential for

understanding abstract legal notions and principles that underlie the regulation of commercial relationships. By examining legal concepts such as good faith, contractual balance, and legal responsibility, this research is able to provide a deeper theoretical analysis that supports the interpretation of statutory provisions.

The legal materials used in this research consist of primary and secondary legal materials. Primary legal materials include laws and regulations that are directly related to commercial law and consumer protection. These materials serve as the main reference in analyzing the normative aspects of the issues discussed. Secondary legal materials include legal textbooks, scientific journal articles, previous research findings, and other relevant legal literature. Secondary materials are used to enrich the analysis, provide scholarly perspectives, and support arguments through academic discourse.

The technique for collecting legal materials is carried out through a literature study by tracing, identifying, and reviewing various legal sources relevant to the research topic. This process involves selecting authoritative and up-to-date legal materials that are closely related to the issues examined. The collected legal materials are then classified and organized systematically to facilitate comprehensive analysis.

The analysis of legal materials is conducted qualitatively using legal reasoning methods. This analysis involves interpreting legal provisions, examining their underlying principles, and linking them to relevant legal concepts and doctrines. The interpretation is carried out in a logical and systematic manner to ensure consistency between legal norms and the conclusions drawn. Through qualitative legal analysis, the study aims to construct coherent arguments and provide normative evaluations of the legal issues under discussion.

The stages of research in this study begin with the identification of legal issues relevant to the research topic. This stage is followed by the collection and review of legal materials related to the identified issues. Subsequently, the collected legal materials are analyzed to formulate legal

arguments and draw conclusions in accordance with the research objectives. All stages of the research are conducted systematically and carefully to produce a legal study that is logically structured, academically accountable, and relevant to the development of commercial law

### **III. RESULTS AND DISCUSSION**

#### **A. The Position of Agreements as a Basis for Commercial Legal Relations**

Agreements occupy a central and indispensable position within the framework of commercial law, as they constitute the primary legal basis that governs relationships between business actors and consumers. Legally, agreements function not merely as manifestations of mutual consent, but as normative instruments that generate binding legal consequences. Through agreements, parties voluntarily submit themselves to a system of rights, obligations, and responsibilities that are enforceable within the legal order. This normative character makes agreements a crucial mechanism for ensuring legal certainty and predictability in commercial transactions (Aziz et al., 2020).

From a doctrinal standpoint, agreements serve as the main reference point for assessing the legality of commercial conduct. They determine the scope of permissible actions, define performance standards, and establish mechanisms for resolving disputes when contractual obligations are not fulfilled. In this sense, agreements play a preventive role by minimizing uncertainty and a corrective role by providing a legal basis for accountability. Commercial activities that are grounded in valid agreements are therefore not only economically legitimate but also legally structured within a framework that supports stability and order (Pantow, 2020).

The evolution of commercial practices has significantly influenced the form and substance of agreements. In modern trade, particularly in mass transactions, agreements increasingly take the form of standardized contracts. These contracts are drafted unilaterally by business actors to ensure efficiency, consistency, and speed in commercial dealings. Standardization allows

businesses to reduce transaction costs, manage operational risks, and accommodate large volumes of consumers without engaging in individual negotiations. From an economic perspective, this development is often considered inevitable in contemporary markets.

However, the widespread use of standardized agreements also raises serious legal concerns, especially regarding the imbalance of bargaining power between business actors and consumers. Consumers are generally positioned as the weaker party, lacking both the opportunity and the capacity to negotiate contractual terms. In many cases, consumers are confronted with a “take-it-or-leave-it” situation, where consent is given without meaningful choice. This structural condition challenges the classical notion of contractual freedom, which presupposes equality and voluntariness between the contracting parties.

Empirical and doctrinal studies consistently demonstrate that consumers frequently enter into standardized agreements without fully understanding their legal implications. Clauses related to limitation of liability, choice of forum, dispute resolution mechanisms, or unilateral modification of terms are often overlooked or misunderstood by consumers (Rahayu et al., 2026). This lack of comprehension is not merely an individual problem but reflects a systemic imbalance inherent in standardized contracting practices. As a result, agreements that are formally valid may fail to meet the substantive requirements of fairness and justice.

The dominance of business actors in determining contractual terms further intensifies concerns regarding substantive justice in commercial legal relations. When agreements are used primarily as tools to secure business interests without adequate consideration of consumer protection, they risk becoming instruments of domination rather than cooperation. In such circumstances, the law is required to intervene not to negate contractual freedom, but to recalibrate the balance between efficiency and fairness in commercial relationships.

Within this framework, the principle of good faith emerges as a fundamental corrective

mechanism. Good faith requires parties to act honestly, reasonably, and fairly throughout the entire contractual process, from negotiation and formation to performance and termination. This principle operates as a moral and legal standard that restrains excessive contractual autonomy and prevents abuse of power by the stronger party. Scholarly analyses underline that good faith serves as a normative safeguard against exploitative practices, particularly in standardized agreements where consumers lack bargaining power (Saputra et al., 2021).

Good faith also plays a crucial role in assessing the substantive validity of agreements. An agreement that formally complies with legal requirements may still be subject to scrutiny if it violates the principle of fairness embedded in good faith. In this regard, good faith transforms agreements from rigid legal instruments into flexible tools capable of accommodating justice-oriented interpretations. It allows the law to respond to unequal commercial realities without undermining legal certainty (Pratama, 2022).

Accordingly, agreements in commercial law should be understood not merely as mechanisms for formalizing transactions, but as instruments that reflect a balance of interests between business actors and consumers. While legal certainty remains a primary objective, it must be accompanied by substantive justice and equitable protection for weaker parties. Only by integrating efficiency, fairness, and good faith can agreements effectively fulfill their role as the foundation of sustainable and just commercial legal relations.

## **B. Rights and Obligations of the Parties in Trade Transactions**

Rights and obligations constitute the core elements of commercial legal relationships, as they determine the reciprocal responsibilities that bind business actors and consumers within a contractual framework. These elements are inseparable, since the existence of a right on one side inevitably corresponds to an obligation on the other. In commercial transactions, the proper allocation and implementation of rights and obligations function as the structural foundation that ensures fairness, legal certainty, and

continuity of trade relations. Without a clear and balanced configuration of these elements, commercial agreements risk becoming sources of dispute rather than instruments of cooperation (Setyawati et al., 2017).

From a normative perspective, business actors occupy a strategic position in commercial transactions, particularly due to their control over goods, services, and information. Consequently, business actors bear a heightened responsibility to fulfill contractual commitments in good faith and in accordance with agreed terms. One of the most significant obligations imposed on business actors is the duty to provide accurate, clear, and truthful information regarding the characteristics, quality, price, and potential risks of the goods or services offered. This obligation is not merely technical in nature, but reflects a substantive legal duty aimed at protecting consumers from asymmetrical information conditions (Puspita, 2014).

The obligation to disclose information serves a preventive legal function, as it enables consumers to make rational and informed decisions before entering into a transaction. Transparency reduces uncertainty and minimizes the risk of misunderstanding between the parties. In commercial practice, information asymmetry often places consumers at a disadvantage, particularly when dealing with complex products or services. Therefore, the duty of disclosure operates as a corrective mechanism to balance the unequal positions of business actors and consumers within the market (Hendrik, 2019).

Empirical findings and academic analyses consistently indicate that inadequate, ambiguous, or misleading information is among the most frequent causes of disputes in commercial transactions. When business actors fail to communicate essential information transparently, consumers may form expectations that do not align with the actual performance or quality of the goods or services received. This discrepancy frequently results in economic losses, dissatisfaction, and legal conflicts (Istrianty & Priambada, 2016). As such, the obligation to provide information should not be perceived as a formal requirement, but rather as an integral

component of substantive consumer protection and fair trading practices.

In addition to the duty of information, business actors are also obligated to ensure that the goods or services delivered conform to the specifications agreed upon in the contract. Non-performance or defective performance constitutes a breach of contractual obligations and undermines the trust that forms the basis of commercial relations. Consistent fulfillment of these obligations enhances the credibility of business actors and contributes to the creation of a stable and predictable trading environment (Trimulyo, 2017).

On the other hand, consumers are not merely passive recipients of protection, but active parties in commercial legal relations who also bear specific obligations. The primary obligation of consumers is to fulfill their contractual commitments, particularly by paying the agreed consideration in a timely and appropriate manner. This obligation reflects the principle of reciprocity, which is fundamental to contractual relationships. The exchange of performance between business actors and consumers embodies mutual reliance and interdependence, both of which are essential for the functioning of commercial transactions.

The fulfillment of consumer obligations plays a critical role in maintaining the balance of rights and duties within commercial relationships. When consumers comply with their contractual responsibilities, they contribute to transactional stability and reduce the potential for disputes. Conversely, failure by consumers to meet their obligations may disrupt commercial continuity and undermine the principle of fairness that underpins contractual relations. Thus, consumer compliance is not only a legal necessity but also a practical requirement for sustaining trust between the parties (Parrangan, 2018).

A balanced implementation of rights and obligations by both business actors and consumers serves as an indicator of fair and sustainable commercial relations. Such balance fosters mutual trust, which is a key element in long-term commercial interactions. Trust encourages repeat transactions, supports market efficiency, and strengthens the overall integrity of

the trading system. Therefore, the equilibrium of rights and obligations should be viewed not merely as a legal ideal, but as a practical foundation for the development of healthy, transparent, and sustainable trade transactions.

### **C. Business Actors' Responsibility for Consumer Losses**

The responsibility of business actors arises as a legal consequence of non-performance or improper performance of contractual obligations within commercial transactions. In commercial law, liability functions as a central mechanism to ensure that agreements are not merely symbolic instruments, but legally enforceable commitments that bind the parties. When business actors fail to fulfill agreed standards whether through negligence, misconduct, or deviation from contractual terms they are legally obligated to compensate consumers for the losses incurred. This responsibility underscores the binding nature of commercial agreements and reinforces the principle of legal certainty (Harahap & Harahap, 2024).

From a doctrinal standpoint, business actor liability reflects the fundamental notion that economic activities must be conducted within the boundaries of law and fairness. Liability is not solely punitive but serves as a corrective measure aimed at restoring the consumer's position to the extent possible prior to the occurrence of harm. Compensation for losses, therefore, constitutes a concrete form of consumer protection, ensuring that consumers are not left to bear the consequences of business actors' failures alone. In this sense, liability acts as a balancing instrument that mitigates structural inequalities between business actors and consumers (Arafah, 2022).

Empirical research demonstrates that consistent enforcement of business actor liability significantly enhances legal compliance and professional standards within the commercial sector (Hendra, 2013). When liability rules are applied effectively, business actors are encouraged to adopt higher standards of care in their operations. This includes improving product quality, ensuring compliance with safety and service standards, and strengthening internal

monitoring mechanisms. The presence of enforceable liability norms thus incentivizes business actors to internalize the risks associated with their commercial activities.

Beyond its compensatory dimension, business actor liability also fulfills an important preventive function. Clear and predictable liability standards discourage business actors from engaging in unfair, deceptive, or negligent trade practices. Awareness of potential legal consequences motivates businesses to act cautiously and responsibly, thereby reducing the likelihood of consumer harm. Preventive liability operates as a deterrent, shaping behavior before disputes arise and minimizing the incidence of contractual breaches in commercial transactions (Rauf et al., 2024).

Moreover, the preventive aspect of liability contributes to the development of ethical business conduct. Business actors who prioritize compliance and consumer safety are more likely to cultivate long-term relationships with consumers based on trust and credibility. This ethical orientation aligns commercial interests with legal obligations, fostering a market environment that values responsibility and accountability. As such, liability mechanisms do not merely respond to harm but actively influence the normative standards of commercial behavior (Rauf et al., 2024).

From a broader systemic perspective, business actor responsibility embodies the principle of justice within commercial law. Effective enforcement of liability ensures that legal norms are not applied selectively, but operate consistently to protect weaker parties in commercial relationships. When consumers perceive that legal remedies are accessible, efficient, and capable of delivering meaningful outcomes, their confidence in the legal system and the market as a whole is strengthened. This confidence is essential for sustaining consumer participation and supporting economic stability (Rauf et al., 2024).

Furthermore, the existence of robust liability frameworks contributes to the overall integrity of the commercial legal system. By holding business actors accountable for consumer losses, the law

reinforces the idea that economic freedom must be accompanied by legal responsibility. In this way, business actor liability not only safeguards individual consumer interests but also promotes a fair, transparent, and sustainable commercial order that supports long-term economic growth and social trust.

#### **D. Consumer Legal Protection from a Commercial Law Perspective**

Consumer legal protection represents a fundamental objective of commercial law, particularly in the context of inherently asymmetrical relationships between business actors and consumers. In modern commercial transactions, business actors generally possess superior economic power, access to information, and bargaining capacity, while consumers often occupy a weaker position. This imbalance necessitates the presence of legal mechanisms designed to protect consumers from unfair practices, abuse of power, and potential exploitation. Through consumer protection, commercial law seeks to ensure legal certainty, substantive fairness, and a balanced distribution of rights and obligations (Atmojo & Fuad, 2023).

From a normative perspective, consumer protection functions as a corrective instrument within the commercial legal system. It aims to restore equilibrium in contractual relationships by limiting excessive advantages enjoyed by business actors and safeguarding consumers' legitimate interests. Legal protection is therefore not merely reactive but also preventive in nature, as it establishes standards of conduct that business actors must observe throughout the lifecycle of a commercial transaction, from pre-contractual negotiations to post-contractual performance (Sihombing, 2023).

Academic literature consistently underscores that the effectiveness of consumer protection is closely linked to the level of legal awareness among consumers. Legal norms alone are insufficient if consumers lack knowledge of their rights or are unable to access legal remedies when harm occurs. Studies indicate that consumers who understand their legal position are more likely to assert their rights, challenge unfair contractual

terms, and seek redress through available legal mechanisms (Azizah, 2021). Consequently, consumer protection must be supported by continuous legal education and institutional accessibility to ensure that rights are not merely theoretical but practically enforceable.

In addition to consumer awareness, institutional effectiveness plays a crucial role in determining the success of consumer protection frameworks. Regulatory bodies, dispute resolution mechanisms, and judicial institutions must operate efficiently and impartially to provide meaningful remedies. Delays, procedural complexity, or limited access to enforcement mechanisms can undermine consumer confidence and weaken the protective function of commercial law. Therefore, consumer protection requires not only substantive legal norms but also a supportive institutional infrastructure capable of implementing those norms effectively.

Recent scholarly discussions further emphasize that consumer protection should be reinforced by ethical and responsible business practices. Commercial law should not be confined to the enforcement of written regulations but should also encourage the development of a legal culture grounded in fairness, transparency, and integrity (Zaini, 2024). Ethical business conduct complements formal legal regulation by promoting voluntary compliance and reducing reliance on litigation. When business actors internalize ethical standards, consumer protection becomes a shared responsibility rather than a solely state-imposed obligation.

Moreover, ethical trade practices contribute to long-term commercial sustainability. Businesses that prioritize consumer interests and comply with legal and ethical standards tend to build stronger reputations and foster consumer loyalty. This dynamic demonstrates that consumer protection is not antagonistic to economic efficiency; rather, it supports stable market development by enhancing trust between market participants. A commercial system perceived as fair and reliable encourages consumer participation and strengthens overall market confidence.

Ultimately, effective consumer legal protection plays a vital role in shaping a fair, transparent, and sustainable commercial system. By balancing efficiency with justice, commercial law can simultaneously support economic growth and safeguard consumer welfare. Strong consumer protection frameworks reinforce public trust in legal institutions and contribute to the long-term stability of commercial relations, ensuring that market development proceeds in harmony with principles of fairness and social responsibility.

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

Based on the research results and discussion outlined above, it can be concluded that agreements play a fundamental role in trade activities, serving as the basis for establishing legal relationships between businesses and consumers. Agreements serve not only as a means of exchanging economic interests but also as a legal instrument that provides certainty, protection, and clarity regarding the rights and obligations of the parties. In modern trade practices, standard agreements are the dominant form, necessitating the application of the principles of justice and good faith to avoid legal imbalances.

This research also demonstrates that a balance between the rights and obligations of the parties is a key factor in creating healthy trade relationships. Businesses are obligated to provide accurate, clear, and non-misleading information, while consumers are obligated to fulfill their agreed-upon obligations. An imbalance in the implementation of rights and obligations has the potential to lead to disputes and undermine trust in trade activities.

Furthermore, business actors' responsibilities are an inseparable legal consequence of the implementation of agreements. These responsibilities play a crucial role in protecting consumers from losses arising from negligence or errors by business actors. Consistent enforcement of legal responsibilities not only provides justice for consumers but also encourages business actors to increase their professionalism and prudence in conducting their business activities.

Overall, consumer legal protection from a commercial law perspective is an essential element in ensuring legal certainty and a balance of interests. Effective legal protection requires support from the parties' legal awareness and ethical trade practices. Therefore, commercial law plays a strategic role in establishing a fair, transparent, and sustainable trade system.

##### B. Suggestion

Based on these conclusions, it is recommended that the principles of good faith and fairness in trade agreements be further strengthened, particularly in the practice of using standard agreements. Businesses need to improve information transparency and professional responsibility to minimize the potential for disputes with consumers.

Furthermore, consumer legal awareness is needed through education and outreach so that consumers can understand and optimally defend their rights. For the development of legal science, further research is expected to more deeply examine the effectiveness of implementing business actor responsibility and consumer protection in various trade sectors that are evolving with technological advances and globalization.

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