

Legal Consumerism Model in the Reconstruction of Consumer Protection Law

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Article Info	ABSTRACT
<p>Article history:</p> <p>Received Sep, 2025 Revised Sep, 2025 Accepted Sep, 2025</p> <hr/> <p>Keywords:</p> <p>Consumer Protection; Digital Economy; Legal Consumerism</p>	<p>The existing legal framework for consumer protection in Indonesia has not been able to respond adaptively and integratively to the challenges of the digital economy era, including cross-border issues, algorithm governance, and consumer empowerment, resulting in a gap between regulation and actual protection needs. To develop a <i>legal consumerism</i> model that integrates adaptive regulation, technology-based law enforcement, and consumer empowerment to reconstruct Indonesia's consumer protection law so that it is responsive to the dynamics of the digital market and ASEAN regional integration. This study employs a normative-conceptual approach integrating doctrinal legal analysis, comparative jurisdiction review, and conceptual exploration of literature, policies, and best practices to qualitatively design an integrative, adaptive, and participatory <i>legal consumerism</i> model that reconstructs consumer protection law in response to digital-era and regional market integration challenges. This research concludes that the <i>Legal Consumerism</i> model offers a transformative framework for reconstructing consumer protection law in Indonesia by integrating adaptive legal norms, technology-based enforcement, and consumer empowerment into a single, coherent system. Philosophically anchored in distributive and corrective justice, ontologically recognizing consumers as active legal subjects, and teleologically oriented toward a sustainable digital market ecosystem, the model bridges the normative-empirical gap that has long hindered effective protection. By synthesizing lessons from Indonesia, Thailand, and ASEAN's regional frameworks, this concept not only addresses structural weaknesses in current regulations but also anticipates emerging risks from algorithmic pricing, cross-border transactions, and digital data governance, thereby positioning consumer protection as both a legal safeguard and a driver of trust in the modern economy.</p> <p><i>This is an open access article under the CC BY-SA license.</i></p> <div></div>

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<p>1. INTRODUCTION</p> <p>Consumer protection constitutes a fundamental pillar in building a fair and</p>	<p>sustainable trading system. With the rapid advancement of information technology and the globalization of markets, interactions</p>
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between producers and consumers have undergone significant transformations, giving rise to new challenges in the regulation and enforcement of consumer protection law [1]. Existing regulations often lag behind market dynamics, creating a gap in the legal safeguards available to consumers. This situation underscores the need for a legal model that is adaptive, participatory, and responsive to contemporary developments.

Indonesia already possesses a legal framework under Law No. 8 of 1999 on Consumer Protection; however, its implementation has faced persistent obstacles, including weak oversight, low levels of public legal literacy, and insufficient integration among law enforcement agencies [2]. These shortcomings indicate that reconstructing consumer protection law requires more than normative reform, it also demands a legal design that optimizes the role of all actors within the consumer protection ecosystem.

Thailand offers an illustrative example through its consumer protection reform efforts, which highlight two pressing issues: the right of return and institutional effectiveness. A study published in the *Thammasat Business Law Journal* revealed persistent uncertainty regarding the “right to return” in both retail and online sales, prompting recommendations for substantive and procedural legal reforms [3]. Concurrently, the proposed establishment of a one-stop service for handling consumer complaints has been viewed as a means of harmonizing institutional roles and accelerating restitution [4]. This interpretation is reinforced by UNCTAD’s voluntary peer review, which emphasizes strengthening contract committees and enhancing OCPB coordination for cross-channel digital transactions [5]. Collectively, the “Thailand case” demonstrates that legal reconstruction must address not only substantive norms but also institutional design and proactive dispute resolution mechanisms in the era of digital commerce [4], [6].

Recent literature reveals three main strands of discourse: first, the challenges posed by algorithmic pricing and the potential

for tacit collusion, necessitating a more integrated policy response bridging competition law and consumer protection [6]; second, factors influencing the adoption of cross-border e-commerce by Thai SMEs, which stress organizational and technological readiness yet neglect implications for consumer rights [6]; and third, normative legal studies on consumer protection in Indonesian online transactions, which identify enforcement gaps and the absence of a preventive framework grounded in literacy and platform governance [7]. The emerging gap is clear: no integrative “legal consumerism” model yet exists that systematically unites adaptive regulation, technology- or algorithm-based enforcement, and cross-jurisdictional ASEAN consumer empowerment to build a participatory and responsive protection ecosystem for digital risks [8]. This study seeks to address that gap.

The concept of *legal consumerism* emerges as a novel paradigm that positions consumers not merely as passive objects of legal protection, but as active subjects possessing legal awareness, market monitoring involvement, and the capacity to assert their rights effectively [9]. This paradigm views consumer protection as the product of synergy between regulation, law enforcement, and consumer literacy. Consequently, developing a *legal consumerism* model becomes a strategic imperative in responding to the increasing complexity of modern markets.

In the digital economy era, consumer protection challenges have expanded to include cross-border transactions, personal data security, and algorithm-driven marketing practices [10]. These phenomena demand a renewal of consumer protection concepts that are not only reactive in law enforcement but also preventive, through the cultivation of collective consumer awareness. The *legal consumerism* model as envisioned in this study seeks to integrate adaptive regulation, technology-based enforcement, and consumer empowerment into a single coherent framework.

Accordingly, this research aims to construct a *legal consumerism* model as the

foundation for reconstructing consumer protection law in Indonesia. This approach is expected to bridge the gap between existing regulations and the evolving protection needs of the digital era, while strengthening the position of consumers in the national trading system [11]. By combining normative analysis with sociological perspectives, the model aspires to contribute meaningfully to the progressive and participatory renewal of consumer protection law.

2. LITERATURE REVIEW

2.1 *Conceptual Foundation: from "consumerism" to consumer empowerment*

Classical studies on the shift from producerism (supply-side interest orientation) to consumerism (demand-side interest orientation) indicate that fair price protection, transparency, and equal choice are the basis for legitimizing legal intervention in the market [12]. Recent developments have expanded this into a consumer empowerment agenda, emphasizing education, literacy, and the capacity to act as prerequisites for consumers to become active subjects rather than mere objects of policy [13]. The "legal consumerism" framework combines both: strengthening norms and institutions while empowering consumers through legal instruments that are understandable and accessible.

2.2 *Law No. 8/1999 and Indonesia's challenges*

The literature considers that Law No. 8/1999 has provided a protective foundation, but its implementation faces governance, coordination, and business compliance issues, particularly regarding labeling/language and imported products [14], [15]. Several studies recommend harmonization with the digital economy regime (e-commerce, data, algorithms) and more effective enforcement to ensure that legal norms keep pace with market practices [16], [17].

2.3 *Lessons from Thailand: right to return and institutional design*

In Thailand, research has found that the certainty of the right to return goods remains weak; many regulations do not require explicit disclosure of return policies, placing the burden of information on consumers [18]. Reform proposals for a one-stop service for complaints are seen as a solution for cross-agency coordination and faster loss recovery [19]. UNCTAD's voluntary peer review reinforces the recommendation to strengthen the OCPB, utilize ODR/ICT, and consider restructuring complaint services to be more responsive in the era of digital transactions [20], [21].

2.4 *Regional dynamics: ASEAN guidelines and digital consumer trust*

At the regional level, the ASEAN Guidelines on Consumer Protection in E-Commerce encourage harmonization of legal frameworks, cross-border transparency, and consumer-friendly dispute resolution mechanisms [22]. Recent policy analysis highlights that ASEAN's digital economy growth requires stronger online protection (clarity of information, cross-border redress, and cross-authority enforcement) to boost consumer trust a vital precondition for digital market integration [23].

2.5 *New challenges: algorithms, dynamic pricing, and implicit collusion risks*

The wave of algorithmic/dynamic pricing brings both efficiency and risks: price discrimination, opacity, and implicit collusion that are difficult to detect under traditional antitrust and consumer protection laws [24]. Legal scholarship warns of potential consumer harm even without explicit human collusion, thus requiring algorithmic governance; traceability, auditability, and transparency, as well as coordination between competition and consumer protection authorities.

2.6 Implications for the “legal consumerism” model

The common thread from the above studies is: (i) adaptive norms for the digital economy; (ii) institutional designs that facilitate access to redress (e.g., one-stop service, ODR); (iii) consumer empowerment through education/literacy; and (iv) data and algorithm governance that protects consumers by design. The proposed legal consumerism model therefore needs to integrate norm harmonization (national–regional), technology-based enforcement strengthening, and measurable consumer empowerment, addressing the gaps identified in studies from Indonesia, Thailand, and ASEAN [25].

3. RESEARCH METHODS

The research employs a normative–conceptual approach oriented toward the development of a new legal concept (*legal concept development*). This approach combines doctrinal analysis of legislation, principles, and doctrines of consumer protection law applicable in Indonesia and comparative jurisdictions with a conceptual exploration of academic literature, public policy, and international best practices. The study is descriptive–analytical and prescriptive–conceptual in nature, with the descriptive stage used to map the existing legal framework and its shortcomings, and the prescriptive–conceptual stage applied to formulate a new *legal consumerism* model that is integrative, adaptive, and participatory. The analysis is conducted qualitatively using deductive–inductive legal reasoning, producing a legal concept design that can serve as a framework for reconstructing consumer protection law to address the challenges of the digital era and regional market integration.

4. RESULTS AND DISCUSSION

4.1 Philosophical Foundation of the Legal Consumerism Model

The normative–conceptual analysis demonstrates that consumer protection should not be positioned solely

as a derivative of private law remedies or public regulation, but rather as an embodiment of distributive justice and corrective justice as articulated by Aristotle. Within the framework of distributive justice, the state has an obligation to allocate legal protection proportionally to the structurally weaker party in the marketplace; namely, the consumer. Within corrective justice, the law functions as an instrument for redressing harm caused by fraudulent, discriminatory, or exploitative practices. *Legal consumerism* emerges as a synthesis of these two principles, combining preventive protection through education and legal literacy with corrective mechanisms that are swift, transparent, and easily accessible.

4.2 Ontological Dimension: Consumers as Active Legal Subjects

Ontologically, the concept of *legal consumerism* rejects the traditional paradigm that treats consumers as passive objects of protection policy. Instead, consumers are regarded as autonomous legal subjects (*homo juridicus*), endowed with legal consciousness and the capacity to actively participate in market oversight. This aligns with Lon L. Fuller’s view that the legitimacy of law lies in the rational participation of its subjects. Consequently, the proposed model extends beyond the mere strengthening of norms and sanctions to the design of legal instruments that are readable, understandable, and directly actionable by consumers, including through digital platforms and algorithmic technologies.

4.3 Epistemological Dimension: Integrating Normative and Empirical Knowledge

The findings reveal that consumer protection gaps in Indonesia and the ASEAN region stem not only from normative weaknesses but also from an epistemic deficit: the absence of a bridge between normative knowledge (what ought to be regulated) and empirical reality (what occurs in practice). At this juncture, *legal consumerism*

operates as an epistemological framework integrating adaptive regulation, algorithmic enforcement, and consumer empowerment. This model draws on insights from positive law, legal philosophy, and interdisciplinary studies to design a consumer protection ecosystem responsive to the dynamics of cross-border digital trade.

4.4 Teleological Dimension: Future-Oriented Legal Objectives

From a teleological perspective, *legal consumerism* is directed toward achieving an ethical and sustainable market ecosystem in which consumer rights are guaranteed not merely as legal norms but as embedded social habits in market interactions. This aligns with Gustav Radbruch’s proposition that law must realize three fundamental values: justice, utility, and certainty. The model operationalizes these values through (i) harmonization of national and regional norms, (ii) efficient and proactive

institutional design, (iii) data- and technology-based market supervision, and (iv) consumer literacy as the first line of defense against unfair market practices.

4.5 Axiological Dimension: Justice as a Lived Experience

The axiological dimension underscores that justice for consumers must not remain confined to statutory texts, but must be tangibly experienced in everyday life—from price transparency and data privacy to the ease of obtaining remedies. The proposed *legal consumerism* model shifts the focus from rule-based protection to value-based protection, where transparency, accountability, and consumer empowerment form the core of policy design. In this way, consumer protection law serves not merely as the “gatekeeper” of the market, but also as a “companion,” ensuring that consumers can navigate the modern marketplace safely, intelligently, and on equal footing.

Table 1. The strengths of the Legal Consumerism model

Dimension	Strengths of the Legal Consumerism Model	Narrative Explanation
Philosophical (Distributive & Corrective Justice)	Provides a legal framework combining prevention and remedy for consumer harm	Rooted in Aristotelian philosophy, this model integrates distributive justice (protection for the weaker party) and corrective justice (swift and effective compensation), ensuring the law is not only reactive but also proactive in safeguarding consumers.
Ontological (Active Legal Subjects)	Recognizes consumers as <i>homo juridicus</i> with agency	This model rejects the paradigm of consumers as passive objects. Instead, consumers are positioned as active legal subjects capable of acting, monitoring, and influencing policy, aligning with Lon L. Fuller’s view on rational participation.
Epistemological (Normative–Empirical Integration)	Combines positive law with real market dynamics	It goes beyond statutory texts, drawing from market data, international best practices, and sociological understanding, ensuring legal design aligns with the realities of transactions and the challenges of cross-border e-commerce.
Teleological (Future-Oriented Legal Goals)	Directs law toward an ethical and sustainable market ecosystem	Inspired by Radbruch’s triad justice, utility, and certainty this model builds a consumer protection system that is adaptive to technological change and ensures the sustainability of public trust in the digital marketplace.
Axiological (Tangible Justice)	Makes justice an everyday experience	Moves beyond abstract norms to ensure that consumer rights are tangibly experienced: clear price information, data security, and simple, fast, transparent redress mechanisms.

Dimension	Strengths of the Legal Consumerism Model	Narrative Explanation
Practical (Operational & Adaptive)	Integrates one-stop services, ODR, and algorithmic governance	Combines institutional innovation with technology, enabling faster dispute resolution, easier access, and transparent, accountable oversight of pricing algorithms.

Source: Processed primary data (2025)

5. CONCLUSION

This research concludes that the Legal Consumerism model offers a transformative framework for reconstructing consumer protection law in Indonesia by integrating adaptive legal norms, technology-based enforcement, and consumer empowerment into a single, coherent system. Philosophically anchored in distributive and corrective justice, ontologically recognizing consumers as active legal subjects, and teleologically oriented toward a sustainable digital market ecosystem, the model bridges the normative–empirical gap that has long hindered effective protection. By synthesizing lessons from Indonesia, Thailand, and ASEAN’s regional frameworks, this concept not only addresses structural weaknesses in current regulations

but also anticipates emerging risks from algorithmic pricing, cross-border transactions, and digital data governance, thereby positioning consumer protection as both a legal safeguard and a driver of trust in the modern economy.

It is recommended that the Legal Consumerism model be adopted through harmonizing Indonesia’s consumer protection laws with ASEAN and global standards, strengthening institutions via one-stop services and ODR, enforcing algorithmic governance for transparency and accountability, and promoting sustained consumer literacy programs thus ensuring an adaptive, participatory, and technology-driven legal framework capable of addressing the risks and complexities of the digital marketplace.

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