

## ABSTRAK

### **PENERAPAN PRINSIP *STRICT LIABILITY* DALAM TRANSAKSI *E-COMMERCE* SEBAGAI BENTUK PERLINDUNGAN KONSUMEN DI ERA DIGITAL**

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Perkembangan teknologi digital telah mengubah sistem perdagangan konvensional menjadi transaksi berbasis elektronik (*e-commerce*) yang cepat dan praktis. Namun, kemudahan tersebut menimbulkan persoalan baru dalam perlindungan hukum konsumen, terutama terkait cacat produk, penyalahgunaan data, dan ketidaksesuaian barang. Penelitian ini membahas pengaturan prinsip *strict liability* dalam kerangka hukum transaksi perdagangan melalui sistem elektronik sebagaimana diatur dalam peraturan perundang-undangan yang berkaitan dengan *e-commerce* di Indonesia serta potensi penerapannya pada transaksi *e-commerce* untuk memperkuat posisi hukum konsumen di era digital. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan (*statute approach*) dan konseptual (*conceptual approach*). Data diperoleh melalui telaah terhadap peraturan, literatur, dan jurnal ilmiah yang relevan. Analisis dilakukan secara kualitatif untuk menilai kesesuaian prinsip tanggung jawab mutlak dalam konteks perlindungan konsumen digital di Indonesia. Hasil penelitian menunjukkan bahwa prinsip *strict liability* dalam transaksi *e-commerce* di Indonesia belum diatur secara eksplisit dalam peraturan perundang-undangan, namun telah diterapkan secara implisit melalui ketentuan tanggung jawab pelaku usaha dan kebijakan perlindungan konsumen pada platform *e-commerce*. Penerapan tersebut tercermin dalam mekanisme pengembalian dana, penggunaan rekening bersama, serta kewajiban platform untuk menjamin keamanan dan keandalan sistem transaksi. Meskipun demikian, masih ditemukan kecenderungan pembatasan tanggung jawab melalui klausul baku yang berpotensi melemahkan posisi konsumen, sehingga penguatan prinsip *strict liability* secara normatif dan kelembagaan diperlukan untuk mewujudkan perlindungan konsumen digital yang efektif dan berkeadilan.

**Kata Kunci:** Perlindungan Konsumen, *Strict Liability*, Transaksi *E-Commerce*

## **ABSTRACT**

### **THE APPLICATION OF THE PRINCIPLE OF STRICT LIABILITY IN E-COMMERCE TRANSACTIONS AS A FORM OF CONSUMER PROTECTION IN THE DIGITAL ERA**

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The development of digital technology has transformed conventional trade systems into fast and practical electronic transactions (e-commerce). However, this convenience has created new legal challenges in consumer protection, particularly regarding product defects, data misuse, and non-conformity of goods. This research examines the regulation of the *strict liability* principle within the legal framework of electronic commerce transactions as governed by relevant e-commerce-related legislation in Indonesia and its potential application in e-commerce transactions to strengthen consumers' legal position in the digital era. This research employs a normative juridical method with statutory and conceptual approaches. Data were obtained through the examination of relevant laws, literature, and academic journals. The analysis was conducted qualitatively to assess the relevance of the strict liability principle within the context of digital consumer protection in Indonesia. The findings of this study indicate that the principle of *strict liability* in e-commerce transactions in Indonesia has not been explicitly regulated in statutory legislation, but has been implicitly applied through provisions on business actors' liability and consumer protection policies implemented by e-commerce platforms. This application is reflected in refund mechanisms, the use of escrow systems, and the obligation of platforms to ensure the security and reliability of transaction systems. Nevertheless, there remains a tendency to limit liability through standard clauses that may weaken the position of consumers; therefore, normative and institutional strengthening of the *strict liability* principle is necessary to achieve effective and equitable digital consumer protection.

**Keywords: Consumer Protection, Strict Liability, E-Commerce Transactions**