

The Legality of Brushing Practices in the Viewpoint of Consumer Protection Law and Telematics Law

Vifi Swarianata¹✉
Jufryanto Puluhulawa²
Apripari³
Rismanto Kaku⁴
Irlan Puluhulawa⁵

^{1,2,3,4,5}Faculty of Law, Universitas Negeri Gorontalo, Indonesia.

✉vifiswarianata@ung.ac.id

Article Info

Submitted: March 7, 2023
Revised: June 29, 2023
Accepted: July 11, 2023

Keywords:

Legalities;
Brushing; Fake Buyer;
Fake Order; Legal
Protection.

How to cite [Chicago Manual of Style 17th edition (full note)]:

Vifi Swarianata et al., "The Legality of Brushing Practices in the Viewpoint of Consumer Protection Law and Telematics Law," *Jambura Law Review* 5, no. 2 (2023): 356-385.

Abstract

Instant profit-making patterns have been established by the current online purchasing and selling practices. For example, brushing is the activity of internet retailers or merchants fabricating favorable reviews or fraudulent endorsements to boost the reputation of their goods or services. When a customer receives a product or service that falls short of their expectations, brushing can be harmful. This study aims to investigate the legality of online buying and selling in Indonesia, specifically the practice of "brushing," or using fictitious orders, reviews, and buyers. The methods used are Statute Approach, Case Approach, Conceptual Approach, Analytical Approach, Theoretical Approach. The findings indicated that, from the standpoint of Indonesian telematics and consumer protection legislation, brushing activities frequently contravene a number of relevant rules and laws. As a result, brushing may be deemed unlawful in Indonesia and subject to penalties based on relevant legislation. In order to prevent brushing activities, it is critical that the government and regulatory agencies bolster law enforcement, protect consumers from brushing practices, and inform consumers of their rights in this regard. Enforcing stringent regulations and ensuring their efficient implementation are crucial for safeguarding consumers and upholding the integrity of Indonesia's online ecosystem.

1. Introduction

In Indonesia, the contemporary digital era is building a robust ecosystem for online transactions for buying and selling or shopping,¹ in addition to significantly increasing the quantity of transactions involving purchases and sales made online.² Several variables influencing consumer behavior and technology advancements can account for Indonesia's high volume of online transactions related to buying and selling. Among these are a few of these elements:

- 1) Greater Internet Access: E-commerce platforms are now easily accessible in Indonesia due to the country's higher internet penetration rate.³ Online purchases have made it possible for brick-and-mortar enterprises to reach a broader market in many regions that were previously inaccessible;
- 2) Growing Use of Smartphones In this instance, a major contributing element to the rise in online transactions has been the rise in smartphone ownership.⁴ Customers may simply browse and shop on e-commerce platforms anytime, anywhere, thanks to smartphones;
- 3) Customers are increasingly drawn to the existence of promotions and discounts, which are special offers, rebates, and cashback programs that are frequently offered by e-commerce platforms.⁵ Customers frequently view online shopping as a means of obtaining goods at reduced costs, particularly in light of the competition among e-commerce platforms to draw customers by offering the greatest deals;⁶

¹ Sri Adiningsih, *Transformasi Ekonomi Berbasis Digital di Indonesia: Lahirnya Tren Baru Teknologi, Bisnis, Ekonomi, dan Kebijakan di Indonesia* (Jakarta: Gramedia Pustaka Utama, 2019).

² Eri Yanti Nasution et al., "Perkembangan Transaksi Bisnis E-Commerce Terhadap Pertumbuhan Ekonomi Di Indonesia," *Jesya* 3, no. 2 (June 30, 2020): 506–19, <https://doi.org/10.36778/jesya.v3i2.227>.

³ Riski Rosdiana, Iyus Akhmad Haris, and Kadek Rai Suwena, "Pengaruh Kepercayaan Konsumen Terhadap Minat Beli Produk Pakaian Secara Online," *Jurnal Pendidikan Ekonomi Undiksha* 11, no. 1 (June 11, 2019): 318, <https://doi.org/10.23887/jjpe.v11i1.20164>.

⁴ Syed Far Abid Hossain et al., "Ubiquitous Role of Social Networking in Driving M-Commerce: Evaluating the Use of Mobile Phones for Online Shopping and Payment in the Context of Trust," *SAGE Open* 10, no. 3 (July 2020): 1–11, <https://doi.org/10.1177/2158244020939536>.

⁵ Zike Cao et al., "The Relationship Between Online Referral Marketing and Price Promotion: Evidence from a Large E-Commerce Platform," *Journal of Management Information Systems* 38, no. 3 (July 3, 2021): 855–88, <https://doi.org/10.1080/07421222.2021.1962597>.

⁶ Tingting Tong et al., "Impact of Different Platform Promotions on Online Sales and Conversion Rate: The Role of Business Model and Product Line Length," *Decision Support Systems* 156 (May 2022): 113746, <https://doi.org/10.1016/j.dss.2022.113746>.

- 4) The convenience of online payments encourages the development of digital wallets and online payment systems,⁷ The payment procedure for online transactions has been made simpler by services like GoPay, OVO, and others. Thus, this access lowers obstacles for customers and speeds up the process of conducting transactions for purchases and sales online;
- 5) Payment security and privacy guarantee, in keeping with the advancement of data encryption and payment protection in online transactions,⁸ has raised customer confidence in internet purchasing;
- 6) Shipping is now more economical and efficient thanks to the proliferation of quick and effective freight forwarding services,⁹ has increased customer convenience by enabling product delivery in a fraction of the time;¹⁰
- 7) Access to various product types and brands that might not be available locally is made possible by the wide range of items and e-commerce platforms available.¹¹ This provides customers with a wide range of purchasing options;
- 8) The trend from offline to online shopping has intensified due to the COVID-19 epidemic.¹² An increasing number of individuals are turning to online purchasing due to social constraints and concerns about the safety of in-person purchases;¹³

⁷ Burhan Ul et al., "A Compendious Study of Online Payment Systems: Past Developments, Present Impact, and Future Considerations," *International Journal of Advanced Computer Science and Applications* 8, no. 5 (2017): 256–71, <https://doi.org/10.14569/IJACSA.2017.080532>.

⁸ Ghada El Haddad, Esma Aimeur, and Hicham Hage, "Understanding Trust, Privacy and Financial Fears in Online Payment," in *2018 17th IEEE International Conference On Trust, Security And Privacy In Computing And Communications/ 12th IEEE International Conference On Big Data Science And Engineering (TrustCom/BigDataSE)* (2018 17th IEEE International Conference On Trust, Security And Privacy In Computing And Communications/ 12th IEEE International Conference On Big Data Science And Engineering (TrustCom/BigDataSE), New York, NY, USA: IEEE, 2018), 28–36, <https://doi.org/10.1109/TrustCom/BigDataSE.2018.00015>.

⁹ Zeplin Jiwa Husada Tarigan, Juan Alexander Jiputra, and Hotlan Siagian, "The Effect of Supply Chain Practices on Retailer Performance with Information Technology as Moderating Variable," *International Journal of Data and Network Science*, 2021, 47–54, <https://doi.org/10.5267/j.ijdns.2020.11.003>.

¹⁰ Noel P. Grets and John D. Kasarda, "Enterprise Logistics in the Information Era," *California Management Review* 39, no. 4 (July 1997): 55–78, <https://doi.org/10.2307/41165910>.

¹¹ Elena Rosillo-Díaz, Francisco Javier Blanco-Encomienda, and Esmeralda Crespo-Almendros, "A Cross-Cultural Analysis of Perceived Product Quality, Perceived Risk and Purchase Intention in e-Commerce Platforms," *Journal of Enterprise Information Management* 33, no. 1 (November 13, 2019): 139–60, <https://doi.org/10.1108/JEIM-06-2019-0150>.

¹² Mohamad Rivaldi Moha et al., "The Comparative Law Study: E-Commerce Regulation in Indonesia and Singapore," *Jurnal Legalitas* 16, no. 2 (October 30, 2023): 248–59, <https://doi.org/10.33756/jelta.v16i2.20463>.

¹³ Ana Sriekaningsih, *QRIS Dan Era Baru Transaksi Pembayaran 4.0* (Yogyakarta: Penerbit Andi, 2020).

- 9) In this instance, vigorous digital marketing and online advertising efforts have informed consumers about the advantages of shopping online and the products available on e-commerce platforms. Digital promotion is another significant aspect of the world of online buying and selling;¹⁴
- 10) Rising earnings and other economic growth factors have increased Indonesians' purchasing power as the country's average income has increased,¹⁵ promoting the rise of online shopping;
- 11) The presence of adoption in local markets Local e-commerce sites like Tokopedia, Shopee, and Bukalapak have had success drawing clients by providing a range of services and both domestic and foreign goods.¹⁶

All things considered, the confluence of these elements has made Indonesia a robust hub for e-commerce and significantly increased the volume of e-commerce transactions. Additionally, this opens up a ton of opportunities for companies of all sizes to thrive in the e-commerce sector. This information is related to the rise of online buying and selling in Indonesia, as shown in Figure 1.

Figure 1 demonstrates how frequently Indonesians shop online, and it goes without saying that a number of these apps have gained traction. Indeed, a few apps—Shopee and Tokopedia, in particular—have excelled in the community. This is confirmed by the data shown in Figure 2.

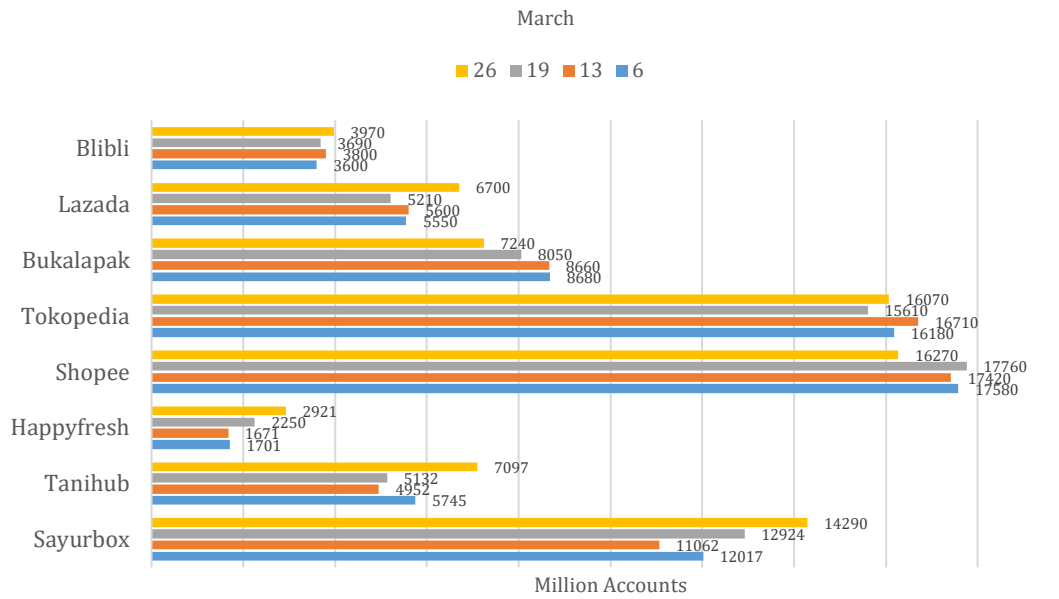
Considering that Figure 1 demonstrates how frequently Indonesians shop online, it is quite likely that there will be a spike in e-commerce consumers in Indonesia throughout the next several years, as seen in Figure 3.

¹⁴ Madhu Bala and Deepak Verma, "A Critical Review of Digital Marketing," *International Journal of Management, IT & Engineering* 8, no. 10 (2018): 332–39.

¹⁵ Bob Foster and Fitriani Retya, "The Impact of Digitalization of Marketing and Consumer Purchasing Power as an Intervening Towards Intention to Buy Product in Store-Based Retail Store," *International Journal of Recent Technology and Engineering* 8, no. 2S7 (September 5, 2019): 120–25, <https://doi.org/10.35940/ijrte.B1027.0782S719>.

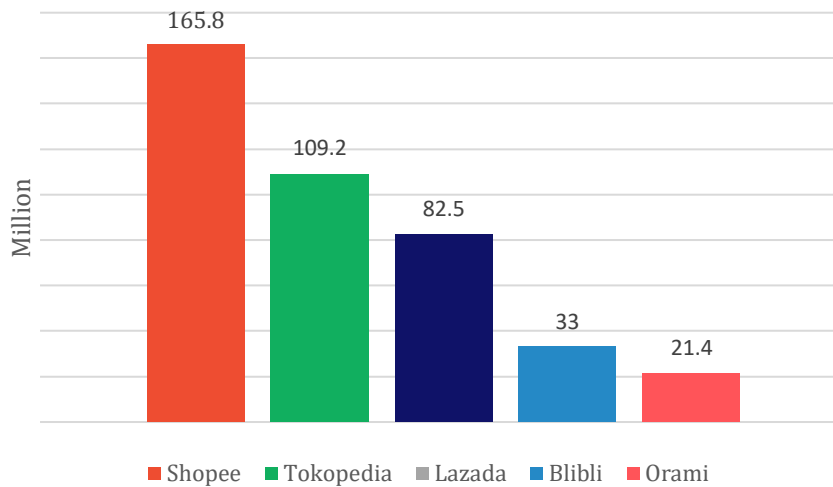
¹⁶ Mohammad Wasil et al., "Optimasi Pemasaran Brand Lokal Melalui Platform E-Commerce," *Jurnal Esensi Infokom : Jurnal Esensi Sistem Informasi Dan Sistem Komputer* 7, no. 2 (October 30, 2023): 93–97, <https://doi.org/10.55886/infokom.v7i2.761>.

Figure 1. Active Users of Online Shopping Applications in March 2022¹⁷



Source: Data processed from www.kompas.id in 2023

Figure 2. E-commerce with Highest Visits in Indonesia by Q1 2023¹⁸

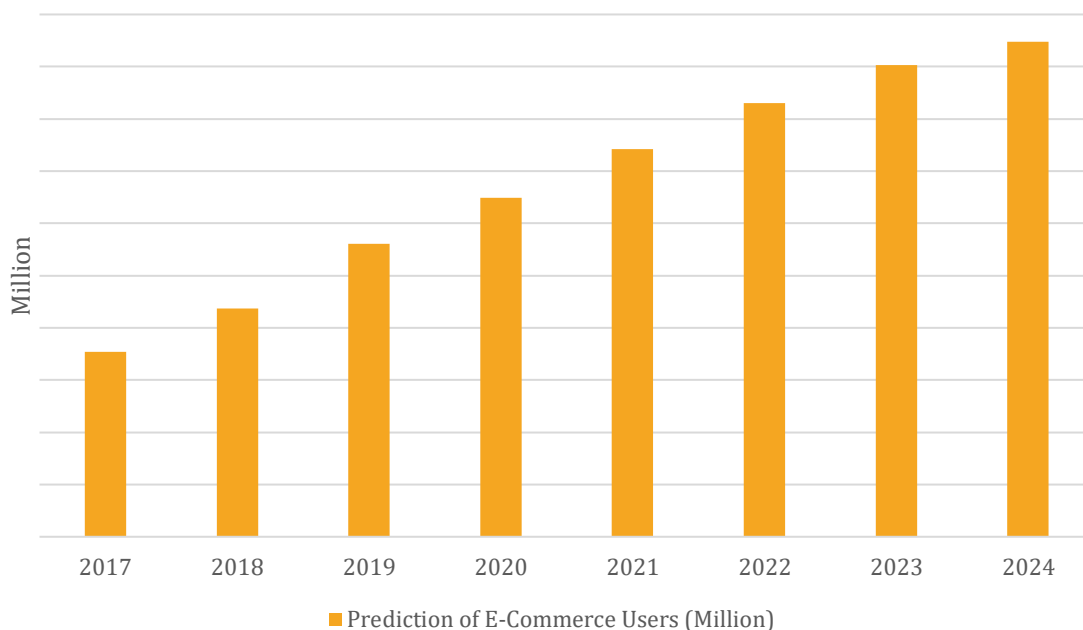


Source: Data processed from www.goodstats.id in 2023

¹⁷ MB Dewi Pancawati, “Kebiasaan Belanja “Online” Berlanjut Meski Pandemi Melandai - Kompas.Id,” Kompas.id, January 9, 2023, <https://www.kompas.id/baca/riset/2023/01/09/kebiasaan-belanja-online-berlanjut-meski-pandemi-melandai>.

¹⁸ IIP M Aditiya, “Jawara E-Commerce Di Awal Tahun 2023,” May 28, 2023, <https://goodstats.id/article/jawara-e-commerce-di-awal-tahun-2023-CkEmg>. Shopee is a web platform as well as a mobile application, Shopee Marketplace is an online shopping (e-commerce) platform that is very accessible to millennials, one of which is SPayLater. See Siti Mutmaina Suci Lasri Isra, Nur Mohamad Kasim, and Dolot Alhasni Bakung, “SPayLater Installments Loans on The Civil Code Perspective,” *Disruption Law Review* 1, no. 1 (December 12, 2023): 1–15.

Figure 3. Predicted Number of E-Commerce Users in Indonesia in 2024¹⁹



Source: Data processed from tempo.co in 2023

New issues pertaining to Brushing (false orders, fake buyers, and phony reviews), a significant issue in online transactions, have also surfaced behind the numerous elements that support and foster the growth in online buying and selling transactions in contemporary developments.

On online shopping sites, fake purchasers are individuals or accounts that purposefully carry out fraudulent purchases.²⁰ They act as though they are making a purchase, but they have no intention of paying for or receiving the item. Some unscrupulous online vendors also employ the devious tactic of pretending to be buyers.²¹ To trick other prospective customers or improve their standing on the online store platform, they pose as real customers.²² It turns out that many internet retailers employ buzzers when

¹⁹ Firdhy Esterina Christy, “Prediksi Angka Pengguna E-Commerce Di Indonesia 2024,” tempo.co, March 16, 2023, <https://data.tempo.co/data/909/prediksi-angka-pengguna-e-commerce-di-indonesia-2024>.

²⁰ Sara Quach and Park Thaichon, “Dark Motives-Counterfeit Selling Framework: An Investigate on the Supply Side of the Non-Deceptive Market,” *Marketing Intelligence & Planning* 36, no. 2 (March 13, 2018): 245–59, <https://doi.org/10.1108/MIP-04-2017-0069>.

²¹ Chen Jin, Luyi Yang, and Kartik Hosanagar, “To Brush or Not to Brush: Product Rankings, Consumer Search, and Fake Orders,” *Information Systems Research* 34, no. 2 (June 2023): 532–52, <https://doi.org/10.1287/isre.2022.1128>.

²² Haitao Xu et al., “E-Commerce Reputation Manipulation: The Emergence of Reputation-Escalation-as-a-Service,” in *Proceedings of the 24th International Conference on World Wide Web (WWW '15: 24th*

they are live, asking questions about products, leaving comments, and much more— not just phony customers.²³

Please be advised that fraudulent bidders have the potential to ruin deals and cost vendors and buyers' money. Delivery of products and the supply chain may become unclear as a result of fake orders,²⁴ False reviews, however, can harm the reputation of the vendor and the goods.²⁵ Online sellers should endeavor to identify and avoid interacting with these fake entities, and protect themselves from the negative impacts that can result. It is also the responsibility of e-commerce platforms to monitor and address these issues. Consumers should also exercise caution when buying online, review reviews skeptically, and check the authenticity of the buyer before transacting. In this digital age, building trust in online transactions has become increasingly important for the safety and convenience of all parties involved.²⁶

False reviews, false orders, and fake buyers who operate on a large scale or in an organized manner are also considered forms of business fraud.²⁷ Sellers and e-commerce platforms that are impacted by fraudulent purchasers typically have the option to file a police report or take legal action. Depending on the jurisdiction and the seriousness of the fake buyer's acts, different penalties or sanctions may be applied.²⁸ This can entail paying fines, filing claims for reimbursement, or even going to jail.

In actuality, it is evident that the fake buyer, fake order, and fake review modes are no longer carried out in secret but rather are exchanged publicly through internet media as a commercial good. Social media is even used to publicly advocate for the usage of

International World Wide Web Conference, Florence Italy: International World Wide Web Conferences Steering Committee, 2015), 1296–1306, <https://doi.org/10.1145/2736277.2741650>.

²³ Justin Foxtan, "Live Buzz Marketing," in *Connected Marketing* (Routledge, 2007), 24–46.

²⁴ Simone T. Peinkofer and Yao Henry Jin, "The Impact of Order Fulfillment Information Disclosure on Consequences of Deceptive Counterfeits," *Production and Operations Management* 32, no. 1 (January 2023): 237–60, <https://doi.org/10.1111/poms.13833>.

²⁵ Rodrigo Barbado, Oscar Araque, and Carlos A. Iglesias, "A Framework for Fake Review Detection in Online Consumer Electronics Retailers," *Information Processing & Management* 56, no. 4 (July 1, 2019): 1234–44, <https://doi.org/10.1016/j.ipm.2019.03.002>.

²⁶ Avinandan Mukherjee and Prithwiraj Nath, "Role of Electronic Trust in Online Retailing: A Re-examination of the Commitment-trust Theory," ed. David C. Arnott, *European Journal of Marketing* 41, no. 9/10 (September 25, 2007): 1173–1202, <https://doi.org/10.1108/03090560710773390>.

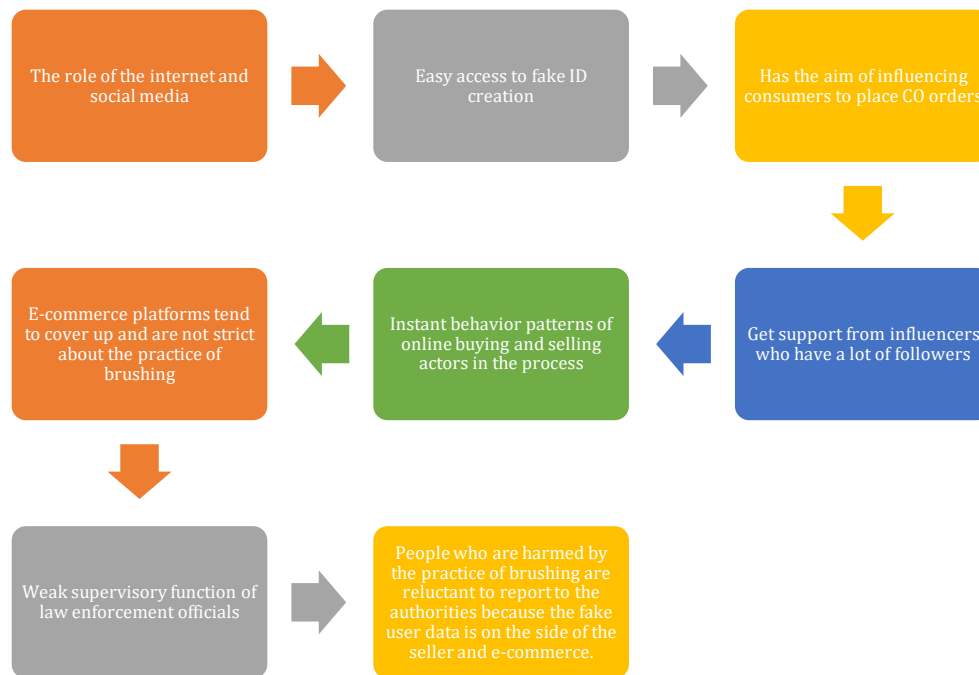
²⁷ Idik Saeful Bahri, *Cyber Crime Dalam Sorotan Hukum Pidana (Edisi 2023)* (Bahasa Rakyat, 2023).

²⁸ C. P. A. Payamta, *Bisnis Digital: Mengelola Akuntansi, Pajak, Dan Audit Dengan Sukses* (Nas Media Pustaka, 2023).

brushing services.²⁹

Upon closer inspection, the author outlines the causes of brushing in Indonesia in the following chart:

Figure 4. Factors Causing Brushing Practices to Occur in Indonesia



E-commerce and Technology As technology has advanced and e-commerce has expanded, it is a fact that unethical business practices have proliferated in a culture where there is a tendency to seek out opportunities for quick financial gain.³⁰ One of these now-common tactics is brushing, in which internet retailers or merchants fabricate positive or phony reviews in order to enhance the reputation of their good or service.³¹ Consumer purchasing decisions are significantly influenced by online

²⁹ Wanda Andita Putri, "Strategi Marketing Bisnis Online 'Fake Buyer' sedang Ramai Diperbincangkan, Apa Itu?," liputan6.com, October 12, 2023, <https://www.liputan6.com/citizen6/read/5420576/strategi-marketing-bisnis-online-fake-buyer-sedang-ramai-diperbincangkan-apa-itu>; See also Berita Hari Ini, "Viral Fake Buyer di TikTok, Apa Artinya?," kumparan, October 12, 2023, <https://kumparan.com/berita-hari-ini/viral-fake-buyer-di-tiktok-apa-artinya-21MdDTFY8n1>; See also Digifolium, "5 Alasan Mengapa Jasa Fake Order Shopee Cukup Berbahaya," Agensi Jasa Kelola Optimasi Marketplace Shopee, Tokopedia, Bukalapak, Lazada, Blibli, JD ID - Digifolium.com, January 27, 2022, <https://digifolium.com/5-alasan-mengapa-jasa-fake-order-shopee-cukup-berbahaya/>.

³⁰ Gajendra Sharma and Wang Lijuan, "Ethical Perspectives on E-Commerce: An Empirical Investigation," *Internet Research* 24, no. 4 (July 29, 2014): 414–35, <https://doi.org/10.1108/IntR-07-2013-0162>.

³¹ Qing Tian, Jun-ling Zhu, and Hua-mei Sun, "Overview on Spammers' False Transaction and Comment in Chinese E-Commerce," in *Proceedings of the 2017 7th International Conference on Applied Science*,

evaluations and testimonials.³² When deciding which product or service to buy, consumers frequently consult customer reviews.³³ As such, brushing can provide dealers who use this technique an unfair edge. Given the detrimental effects brushing practices have on consumers and company activities, research on brushing behaviors—including phony orders, fake reviews, and fake buyers—from a positive law viewpoint is crucial in Indonesia.

2. Problem Statement

Finding the consumer vulnerability to brushing methods can be aided by this research. With a better understanding of the ways in which customers may suffer, laws protecting consumer rights can be implemented more successfully. Additionally, by examining the ways in which injustices might arise, regulations can be revised or new ones can be made to stop these abuses. However, given that brushing can be detrimental to the general public, both as consumers and as enterprises, this study can help us better understand how the law can be used to safeguard the public's interests as well as those of the e-commerce industry. It is intended that this research would lead to a greater understanding of the legal concerns surrounding brushing and lay the groundwork for future developments of positive law in Indonesia to address this challenge.

3. Methods

The research methodology employed in this study is known as "doctrinal legal research" or "normative legal research".³⁴ Normative research is literary legal research that in countries that are commonly called "Legal Research" or "Legal Research Instruction",³⁵ with Statute Approach, Case Approach, Conceptual Approach, Analytical

Engineering and Technology (ICASET 2017) (2017 7th International Conference on Applied Science, Engineering and Technology (ICASET 2017), Qingdao, China: Atlantis Press, 2017), <https://doi.org/10.2991/icaset-17.2017.32>.

³² Wang ShengYi and Arti Pandey, "The Impact of Consumer Reviews on Consumer Purchasing Decisions," *St. Theresa Journal of Humanities and Social Sciences* 9, no. 2 (2023): 16–30.

³³ Idris Yunus and Ariawan Ariawan, "Keputusan Pembelian Konsumen: Perspektif Online Consumer Review," *PRAGMATIS* 3, no. 1 (March 29, 2022): 36–47.

³⁴ Syahrudin Nawi, *Penelitian Hukum Normatif Versus Penelitian Hukum Empiris* (Makassar: Umitoha Ukhuwah Grafika, 2018), 7.

³⁵ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Ed. 1 (Jakarta: Raja Grafindo Persada, 2001), 23.

Approach, Theoretical Approach.³⁶

4. Legality of Brushing Practices from the Viewpoint of Consumer Protection Law and Telematics Law

From the standpoint of consumer protection law, the legality of brushing can be viewed as an issue that results from commercial operations and technical advancements that may infringe upon the rights of consumers.³⁷ In online transactions including purchases and sales, "fake buyers" are practices that are against the law in several jurisdictions.³⁸ A legal offense that involves the use of false or misleading information with the intention of outwitting another party or gaining financial advantage, fraud is a subset of the crime of fake buyers, orders, and reviews.

Fraudulent purchasers may be engaged in fraud if they use fraudulent information to trick merchants or online retailers. It is also a type of contract breach; for example, if a fraudulent buyer and seller make a purchase agreement, but the false buyer cancels the order suddenly or violates the conditions of the agreement, this can be seen as a breach of contract.³⁹ If damages are claimed, the seller may take legal action.⁴⁰

Brushing falls under the realm of invasion of privacy,⁴¹ which it may be illegal to use someone else's personal information or steal it in order to create fictitious buyer accounts, particularly if the information is used without consent.⁴² This conduct can also be considered a violation of the law pertaining to false identity or the use of false data if the entity performing the sale and purchase transaction utilizes false information, such as a fictitious email address.

³⁶ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus, Cet. 4, Edisi Revisi (Yogyakarta: Mirra Buana Media, 2021), 133.

³⁷ Tian, Zhu, and Sun, "Overview on Spammers' False Transaction and Comment in Chinese E-Commerce."

³⁸ Rizky Karo Karo and Agnes Sebastian, "Juridical Analysis on the Criminal Act of Online Shop Fraud in Indonesia," *Lentera Hukum* 6, no. 1 (April 28, 2019): 1–14, <https://doi.org/10.19184/ejlh.v6i1.9567>.

³⁹ Gunawan Nachrawi, *Hukum Kontrak Komersial* (Bandung: Cendekia Press, 2020).

⁴⁰ Salamiah Salamiah and Ningrum Ambarsari, "Urgensi Kontrak Perdagangan E-Commerce Dalam Hukum Perjanjian," *Al-Adl: Jurnal Hukum* 15, no. 2 (July 20, 2023): 362–79, <https://doi.org/10.31602/al-adl.v15i2.8021>.

⁴¹ Ahmad Y. A. Bani Ahmad et al., "E-Commerce Trend Analysis and Management for Industry 5.0 Using User Data Analysis," *International Journal of Intelligent Systems and Applications in Engineering* 11, no. 11s (September 6, 2023): 135–50.

⁴² Kelly D. Martin and Patrick E. Murphy, "The Role of Data Privacy in Marketing," *Journal of the Academy of Marketing Science* 45, no. 2 (March 2017): 135–55, <https://doi.org/10.1007/s11747-016-0495-4>.

A few brushing techniques are classified as consumer fraud: Since brushing involves deceiving customers into buying goods or services, it can be seen as a type of unlawful consumer fraud. Customers may suffer as a result, and this goes against their right to accurate and true information about the goods and services they buy.

The cornerstones of consumer protection law are integrity and openness in business.⁴³ Brushing violates these values because it disseminates inaccurate or deceptive information that could endanger customers. Governments and regulatory authorities in different countries typically have legislation governing online reviews and enforce sanctions for brushing violators in order to protect consumers from the practice of brushing.⁴⁴ Customers also have the right to know their rights and to file complaints about brushing practices with the appropriate authorities. In order to preserve consumer rights and market integrity, it is crucial to determine whether brushing is allowed under consumer protection laws.⁴⁵

As a type of consumer fraud, brushing involves misleading customers into making purchases of goods or services. Customers may suffer as a result, and this goes against their entitlement to accurate and true information about the good or service they are buying.⁴⁶ The primary goal of consumer protection law is to shield customers from unethical company practices.⁴⁷ Due to the potential for monetary loss and diminished consumer confidence, brushing may be regarded as a breach of these standards.

Laws protecting consumers have been passed in many nations, outlawing actions like brushing. In addition to giving customers the ability to register complaints and seek compensation if they feel deceived, these regulations typically specify penalties and

⁴³ Gama Pratama et al., "Penerapan Prinsip-Prinsip Ekonomi Abu Yusuf Dalam Praktik Bisnis Dan Keuangan Modern," *Jurnal Multidisiplin Indonesia* 2, no. 8 (August 16, 2023): 1975–83, <https://doi.org/10.58344/jmi.v2i8.403>.

⁴⁴ Judith van Erp, "Reputational Sanctions in Private and Public Regulation," *Erasmus Law Review* 1, no. 5 (January 1, 2008), <https://repub.eur.nl/pub/20564>.

⁴⁵ Kurnia Ambar Sari, "Integrasi Hukum Perlindungan Konsumen Dan Persaingan Usaha Atas Data Pribadi Konsumen Pada Platform Digital," *UNES Law Review* 6, no. 1 (September 22, 2023): 1936–47, <https://doi.org/10.31933/unesrev.v6i1.954>.

⁴⁶ Herry Anto Simanjuntak, "Jenis Jenis Perbuatan Curang Yang Merugikan Hak Konsumen Dalam Undang-Undang Perlindungan Konsumen," *Jurnal Justiqua* 2, no. 2 (November 13, 2020): 9–16, <https://doi.org/10.36764/justiqua.v2i2.457>.

⁴⁷ Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen* (Jakarta: Sinar Grafika, 2022).

finances for companies that participate in this practice.⁴⁸

A comparative study of multiple nations has led to the establishment of consumer protection legislation that forbids behaviors like brushing. From the standpoint of consumer protection law, the legality of brushing is crucial to preserving consumer rights and market integrity. This chart lists some of the countries' regulations regarding brushing procedures:

Table 1. *Brushing regulation from the perspective of consumer protection law in Indonesia, the United States, the European Union, India, and Australia*

Regulatory Aspects	Indonesia	United States of America	European Union	India	Australia
Definition of Brushing	No specific definition in legal regulations	There is no specific federal definition of brushing	No specific definition in EU regulation	No specific definition in Indian laws	No specific definition in Australian law
Legal Arrangements	While there are general consumer protection laws, there are no legislation specifically concerning brushing.	Manipulative business tactics are prohibited by provisions of the Consumer Protection Act	Consumer Protection Regulation of the European Union	Brushing is not specifically covered by any laws; instead, basic consumer protection laws like the Consumer Protection Act	Australia (competition and consumer act) prohibits brushing provisions
Sanctions and penalties		Violations can result in significant civil fines and prosecutions. The Federal Trade Commission (FTC) is responsible for handling brushing cases	European Consumer Centers Network (ECC-Net) serves as a consumer support institution in EU countries.	Sanctions and penalties depend on the type of offense and the law broken	Violations can lead to fines and prosecution
Role of Authority	The Ministry of Trade and the Consumer Protection Agency (Badan POM) have a role in overseeing business	The Federal Trade Commission (FTC) is responsible for handling brushing cases	European Consumer Centers Network (ECC-Net) serves as a consumer support institution in	The Consumer Protection Authority has the authority to supervise and follow up on brushing	ACCC has an important role in handling brushing cases and protecting consumer rights

⁴⁸ Happy Susanto, *Hak-Hak Konsumen Jika Dirugikan* (Jakarta: Visimedia, 2008).

practices and consumer protection.	EU countries
------------------------------------	--------------

Examining the brushing regulations from the standpoint of consumer protection law, the comparison table reveals that while there is no official definition for brushing, there is a legal framework in place to control activities that could endanger consumers and to impose penalties for infractions. Regulating this is still, regrettably, a general matter under consumer protection law. It goes without saying that this needs to be considered, as technological advancements will lead to a rise in the usage of such modus operandi, and the lack of particular restrictions may result in legal gaps. Additionally, the author provides a description of telematics law in the following table:

Table 2. *Brushing Regulation from the Viewpoint of Telematics Law in Singapore, Indonesia, the US, the EU, and India*

Regulatory Aspects	Indonesia	United States of America	European Union	India	Singapore
Legal Basis	Law No. 11 of 2008 on Electronic Information and Transactions	Communications Decency Act	General Data Protection Regulation (GDPR)	The Information Technology Act	Personal Data Protection Act
	Regulation of the Minister of Communication and Informatics (Permendiknas) No. 20 of 2008	CDA Part of the Communications Act (CDA) and the Free Speech Act (First Amendment)	EU regulation on consumer protection (Consumer Protection Regulation)		
Definition of Brushing	There is no explicit definition in the ITE Law, but brushing can be considered an invasion of privacy or misuse	There is no explicit definition of brushing in US federal law	Brushing in GDPR (regulating data usage)	There is no explicit definition of brushing in the IT Act	No explicit definition of PDPA (regulates data use)
Role of the Authority	The Ministry of Trade and the Consumer Protection Agency (Badan POM) have a role in overseeing	The Federal Trade Commission (FTC) is responsible for handling brushing cases	European Consumer Centers Network (ECC-Net) serves as a consumer support	The Consumer Protection Authority has the authority to supervise and follow up on brushing	ACCC has an important role in handling brushing cases and protecting consumer

	business practices and consumer protection.		institution in EU countries		rights
Violation Sanctions	Criminal sanctions, fines, administrative sanctions	Civil, fine and criminal sanctions \$42,530 per violation	Fines of 20 million euros or more	Criminal sanctions and fines as well as administrative sanctions	Criminal fines and account suspension

There is no accepted definition of brushing in telematics law, which is comparable to rules in consumer protection legislation. Since the act had not yet been discovered when the legislation was created, it is only logical that it is still universal. However, as the digitalization era progresses, reckless individuals who place a high priority on quick, large profits are taking advantage of this legal gap.

The complexity of societal issues is demonstrated by the facts on the ground, which means that this phenomenon cannot continue and that laws must advance more quickly than the societies they govern.⁴⁹ Because of the intricacy of the law in society, integrative stages are required in addition to this progressive step. Next, the author examines Indonesia's positive law control of brushing, as shown in the following table:

Table 3. Regulation of Brushing under Indonesian Positive Law

Consumer Protection	Threat of sanctions and fines	of Electronic information and transaction law (UU ITE)	Threat of sanctions and fines
Article 4 of Law No. 8 Year 1999 on Consumer Protection Consumer rights are: 1) the right to comfort, security, and safety in consuming goods and/or services; 2) the right to choose goods and/or services and to obtain such goods and/or services in accordance with the exchange rate and the promised conditions and guarantees; 3) the right to correct, clear, and honest information regarding the conditions and guarantees of goods and/or services; 4) the right to have their opinions and complaints about the goods and / or	If a business actor violates the aforementioned provisions, there are criminal penalties that can be imposed, namely imprisonment for a maximum of 5 (five) years or a maximum fine of Rp2,000,000,000.00 (two billion rupiah) (Article 62 paragraph [1] of GCPL).	Article 28 Paragraph (1) of the ITE Law Every person intentionally, and without the right to spread false and misleading news that results in harm in electronic transactions. (This article regulates the prohibition of	Any individual who willfully and without authorization distributes false and misleading information that causes harm to consumers in Electronic Transactions as defined by Article 28 paragraph 1 faces a maximum sentence of six (six) years in prison and/or a

⁴⁹ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas Media Nusantara, 2010).

<p>services used heard;</p> <p>5) the right to obtain advocacy, protection, and efforts to resolve consumer protection disputes properly;</p> <p>6) the right to receive guidance and consumer education;</p> <p>7) the right to be treated or served correctly and honestly and non-discriminatory;</p> <p>8) the right to obtain compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or not as they should be;</p> <p>9) the rights stipulated in the provisions of other laws and regulations.</p> <p>(This article regulates the right of consumers to obtain correct, clear, and not misleading information about the goods or services offered. If a "fake order" involves fraud or misleading information, this article may apply.</p>	<p>disseminating electronic information that has insulting and/or defamatory content. If "fake order" includes disseminating false information or harming other parties, this article may be applicable).</p>	<p>maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)."</p>
<p>Law No. 8 on Consumer Protection, Article 8, governs the outlawing of deceptive business activities. This page can be used if "fake orders" entail unfair commercial practices.</p> <p>Law No. 8 of 1999 on Consumer Protection, Article 9</p>	<p>A person who purposefully, without authorization, or illegally uses any method to gain unauthorized access to a computer or electronic system in order to get electronic documents or information is in violation of Article 30 of the ITE Law.</p> <p>(This article governs the ban on using electronic media to carry out harmful conduct. This article could be helpful if a "fake order" causes harm to a third party.</p>	<p>Any individual who satisfies the requirements listed in Article 30 paragraph (1) faces a maximum sentence of six (six) years in jail and/or a maximum fine of Rp600,000,000.00 (six hundred million rupiah).</p>

In essence, if it is established that the business actors in question breached the

aforementioned requirements, they will be found guilty. It's probable that in real life, business actors employ third parties to help them distribute pamphlets. The business actor must still be held accountable as the one who exchanges goods and/or services and falsely advertises them even if they later employ other people's services to spread the misleading information.

Therefore, it is a criminal offense and subject to punishment under Article 62 paragraph (1) of the GCPL Law as well as Article dala of the ITE Law if a business actor incorrectly advertises its products (goods/services) and subsequently causes harm to consumers because the goods and/or services are not in accordance with what is advertised.

5. Urgency of Supervision of Brushing Practices in Indonesia

Accordingly, it is a criminal offense and is punishable under both Article 62 paragraph (1) of the GCPL Law and Article of the ITE Law if a business actor advertises its products (goods/services) incorrectly, which harms consumers because the goods and/or services are not in accordance with what is advertised. This can involve exploiting real customer accounts without the owner's permission or making up false accounts to place orders. Regarding this study, it is critical to supervise (control) online shop business players or E-commerce partners because there is a chance that this authority will be abused and it doesn't appear to be monitored.

Jeremy Bentham believed that for society to be as happy as possible, laws had to be beneficial.⁵⁰ Jhon Locke and the Greek society known as eudaemonism had an influence on this viewpoint. Both the person and society may be included in the discussion of happiness.⁵¹

Bentham underlined that the happiness of the majority of people is the only reason for

⁵⁰ Frederikus Fios, "Keadilan Hukum Jeremy Bentham Dan Relevansinya Bagi Praktik Hukum Kontemporer," *Humaniora* 3, no. 1 (April 30, 2012): 299–309, <https://doi.org/10.21512/humaniora.v3i1.3315>.

⁵¹ R. Otje Salman Soemadiningrat, *Filsafat Hukum: Perkembangan & Dinamika Masalah*, ed. Aep Gunarsa (Bandung: Refika Aditama, 2018), 10.

a state and laws to exist.⁵² This theory upholds the maximization of happiness,⁵³ In strict terms, this theory holds that the ideal society is one that strives to distribute as much happiness as possible among the general populace, thereby minimizing the amount of sadness that they experience. Unhappiness is defined as the absence of misery and the presence of misery, whilst happiness is defined as the absence of both. By utilism, everyone is regarded as equal.⁵⁴

An activity's morality or goodness is determined by evaluating it from several angles and figuring out how happy each party is; the course of action that results in the greatest good for the greatest number of people is better.⁵⁵

The greatest happiness for the largest number of people is the ultimate purpose of legislation,⁵⁶ and its main objectives are as follows:⁵⁷

- 1) Provides livelihood;
- 2) Granting property rights, safety, and goodness as a requirement that requires constant defense

In summary, Satjipto Rahardjo states that Jeremy Bentham's utilitarian theory is a philosophical perspective that views the legal and judicial system as focused on achieving the greatest amount of happiness for the greatest number of people.⁵⁸ Thus, the greatest happiness of the largest number of people is the ultimate purpose of law

⁵² Marthin Marthin, Marthen B. Salinding, and Inggit Akim, "Implementasi Prinsip Corporate Social Responsibility (CSR) Berdasarkan Undang-Undang Nomor 40 Tahun 2007 Tentang Perseroan Terbatas," *Journal of Private and Commercial Law* 1, no. 1 (November 19, 2017): 111–32, <https://doi.org/10.15294/jpcl.v1i1.12358>.

⁵³ Richard Layard, *The Greatest Happiness Principle: Its Time Has Come*, vol. 4 (München: ifo Institut für Wirtschaftsforschung an der Universität München, 2010).

⁵⁴ Ruut Veenvhoven, "Happiness as a Public Policy Aim: The Greatest Happiness Principle," *Positive Psychology in Practice*, 2004, 658–78.

⁵⁵ Bryan S. Turner, "Nietzsche and Happiness," in *Nietzsche and Critical Social Theory: Affirmation, Animosity, and Ambiguity* (BRILL, 2020), <https://doi.org/10.1163/9789004415577>.

⁵⁶ Asep Saepullah, "Konsep Utilitarianisme John Stuart Mill: Relevansinya terhadap Ilmu-ilmu atau Pemikiran Keislaman," *Aqlania* 11, no. 2 (December 11, 2020): 243–61, <https://doi.org/10.32678/aqlania.v11i2.2961>.

⁵⁷ Boli Sabon Max, *Pendekatan Dogmatika Hukum Dan Teori Hukum Terhadap Fungsi Sosial Hak Milik Dalam Konteks Negara Hukum Pancasila* (Jakarta: Penerbit Unika Atma Jaya Jakarta, 2019).

⁵⁸ Nurlis Effendi, *Hukum Pers Dan Etika Jurnalistik Di Era Digital*, vol. 1 (Bandar Lampung: UPPM Universitas Malahayati, 2022).

and regulation.⁵⁹

The following ideas were introduced by English philosopher John Stuart Mill to Jeremy Bentham's expediency/utilitarianism theory:⁶⁰

- 1) That obtaining happiness should be the goal of the action;
- 2) Utility should serve as the foundation for the justice norm;
- 3) However, the feelings of self-preservation and sympathy are where the sense of justice originates rather than utility;
- 4) Justice is the result of our innate desire to reject injustice and exact revenge on those who wrong us or on people we feel sorry for;
- 5) In addition to standing out for individual rights, a sense of justice will fight against injustice or suffering on behalf of those whose interests we consider to be equal to our own;
- 6) Thus, the essence of justice includes all moral obligations that are crucial to human well.

The goal of the law is to maximize enjoyment for society as a whole, which suggests that privileges shouldn't exist. because any kind of privilege will be viewed as an injustice in addition to denying the law its position as an objective order. There must be equality before the law,⁶¹ because everyone who has high expectations, whether or not they are specifically mentioned in the rule of law, has an interest in the law.

Apart from the aforementioned legal goals, Gustav Radbruch contends that the purpose of law is also directed toward fairness and legal certainty in addition to its orientation toward usefulness (*doelmatigheid*).⁶² The three goals of the law, which are also connected to the requirements of this study, are explained below.

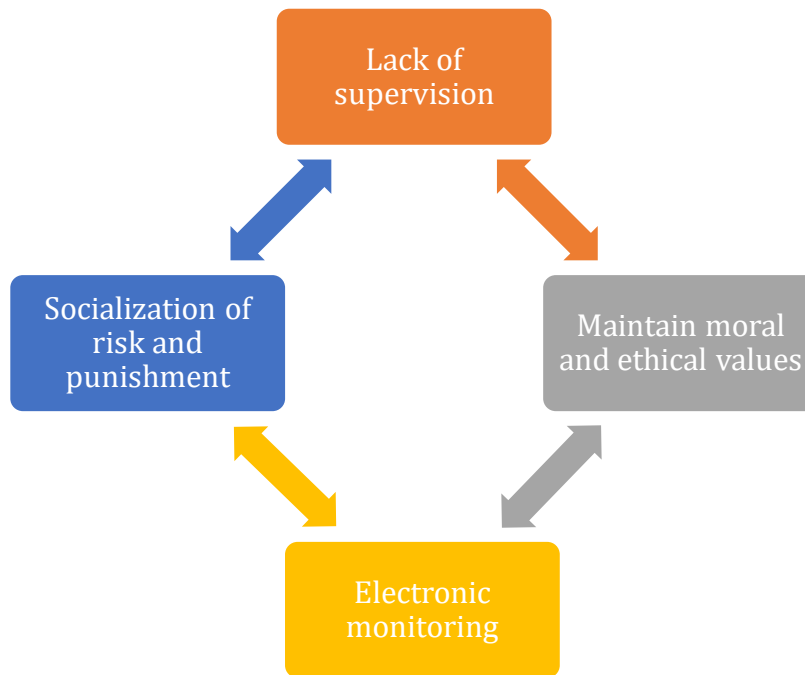
⁵⁹ Miftakur Rohman, "Modernisasi Peradilan Melalui E-Litigasi Dalam Perspektif Utilitarianisme Jeremy Bentham," *MIYAH: Jurnal Studi Islam* 16, no. 2 (2020): 288–301, <https://doi.org/10.33754/miyah.v16i2.276>.

⁶⁰ John Stuart Mill, *Utilitarianisme*, trans. Artika Sari and Era Ari Astanto (Yogyakarta: BASABASI, 2020).

⁶¹ Agus Mahfudin, "Prinsip-Prinsip Negara Hukum Modern Dalam Pendekatan Hukum Islam," in *Proceedings of Annual Conference for Muslim Scholars*, 2018, 830–38.

⁶² Agatha Jumiati and Ellectrananda Anugerah Ash-shidiqqi, "Asas Kepastian Hukum Pelaksanaan Hukuman Mati Di Indonesia," *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 6, no. 1 (April 25, 2022): 26–36, <https://doi.org/10.35308/jic.v6i1.3935>.

Figure 5. *The Need for Additional Monitoring of Indonesian Brushing Practices*



From the standpoint of supervision theory, a number of ideas, including the incapacity of supervision (Lack of Supervision), can account for this occurrence. The role of supervision and control over individual or group behavior in companies is emphasized by supervision theory.⁶³ When it comes to brushing bogus orders, ineffective oversight might make it simple for sellers to engage in unethical behavior without being caught. This is essential since supervision is crucial.

All attempts or actions aimed at ascertaining and evaluating the true situation surrounding the performance of tasks or activities—whether or not they align with what ought to be—are referred to as supervision,⁶⁴ and to find out what difficulties are encountered by the implementers so that corrective measures can be taken.⁶⁵ The goal

⁶³ Husaini Usman, *Manajemen: Teori, Praktik, Dan Riset Pendidikan*, 4th ed. (Jakarta: Bumi Aksara, 2022).

⁶⁴ Irma Mulia Fitri, Ilyas Ismail, and Suhaimi Suhaimi, “Pengawasan dan Pembinaan Majelis Pengawas Daerah Terhadap Notaris Yang Melakukan Pelanggaran,” *Syiah Kuala Law Journal* 3, no. 1 (April 29, 2019): 53–62, <https://doi.org/10.24815/sklj.v3i1.12323>.

⁶⁵ Siti Rodhiyah and Muhammad Harir, “Peranan Badan Permusyawaratan Desa (BPD) Dalam Pembentukan Peraturan Desa Di Desa Krandon Kecamatan Guntur Kabupaten Demak,” *Jurnal Pembaharuan Hukum* 3, no. 3 (2016): 291–300, <https://doi.org/10.26532/jph.v3i3.1375>.

of supervision is to make corrections, not to assign blame.⁶⁶

From a theoretical standpoint, since supervision is a component of management activities, the idea of supervision is developed in management science (management).⁶⁷ Henry Fayol mentioned that control consist in verifying whether everything occurred in conformity with the plan adopted, the instruction issued and principle established. It has for object to point out weaknesses in error in order to rectify then and prevent recurrence.⁶⁸

Muchsan came to the conclusion that the following components are necessary for supervisory action to exist:⁶⁹

- 1) The existence of clear authority possessed by the supervisory apparatus;
- 2) The existence of a solid plan as a means of examining the implementation of a task to be supervised;
- 3) Supervisory actions can be carried out on an ongoing activity process or on the results to be achieved from these activities;
- 4) Supervisory action ends with the preparation of a final evaluation of the activities carried out and matched the results achieved with the plan as a benchmark;
- 5) Subsequently, the supervisory action will be continued with follow-up, both administratively and juridically.

Supervisory actions certainly have a correlation with the basis of supervision, namely:⁷⁰

- 1) Supervision is intended as a management effort to achieve the results of the

⁶⁶ Rahmani Timorita Yulianti, "Transparansi Anggaran: Suatu Upaya Efisiensi Dan Antisipasi Korupsi Di Indonesia," *La_Riba* 4, no. 2 (2010): 239–50, <https://doi.org/10.20885/lariba.vol4.iss2.art6>.

⁶⁷ Fenty U. Puluhalawa, "Pengawasan Sebagai Instrumen Penegakan Hukum Pada Pengelolaan Usaha Pertambangan Mineral Dan Batubara," *Jurnal Dinamika Hukum* 11, no. 2 (May 31, 2011): 306–16, <https://doi.org/10.20884/1.jdh.2011.11.2.189>.

⁶⁸ Md Hasebur Rahman, "Henry Fayol and Frederick Winslow Taylor's Contribution to Management Thought: An Overview," *ABC Journal of Advanced Research* 1, no. 2 (December 31, 2012): 94–103, <https://doi.org/10.18034/abcjar.v1i2.10>.

⁶⁹ W. Riawan Tjandra, *Hukum Keuangan Negara* (Jakarta: Grasindo, 2006).

⁷⁰ Irfan Fachruddin, *Pengawasan Peradilan Administrasi Terhadap Tindakan Pemerintah* (Bandung: Alumni, 2004).

- objectives;
- 2) There are benchmarks that are used as a reference for success;
 - 3) There are activities to match the results achieved with the benchmarks that have been set;
 - 4) Preventing mistakes and showing the right way and purpose; and
 - 5) There is corrective action if the results achieved are not in accordance with the benchmarks set.

It's critical to evaluate and manage individual or group behavior from a moral and ethical perspective, in accordance with supervisory theory, based on definitions, concepts, elements of supervision, and supervisory actions. Because brushing bogus orders entails data manipulation and presents a false picture of sales success or customer happiness, it can be regarded as an unethical practice. Transaction monitoring is a useful tool for identifying and stopping unethical behavior. Danger and Penalties.

The idea behind surveillance theory is that when people or organizations are aware of dangers or penalties, they will typically act in a particular way. In this instance, electronic monitoring when it comes to detecting and stopping unethical activity, such as brushing bogus orders, surveillance theory can involve using technology to watch the behavior of employees or other organizations. Fraud detection systems or online transaction monitoring can be particularly useful in this regard.⁷¹

The idea behind surveillance theory is that when people or groups are aware of the risk or the potential for punishment, they will often act in a particular way.⁷² A monitoring tool that works well is one that has consequences or penalties for brushing off phony orders.⁷³ In practice, to overcome the practice of brushing fake orders, it is necessary to implement strict supervision policies, including transaction monitoring, the use of fraud detection algorithms, and the application of punitive sanctions for perpetrators.

⁷¹ Bety Elysabeth Pasaribu, Anisa Herdiani, and Widi Astuti, "Deteksi Fake Review Menggunakan Support Vector Machine," *eProceedings of Engineering* 6, no. 2 (2019).

⁷² Achmad Sudiro, *Perilaku Organisasi* (Jakarta: Bumi Aksara, 2021).

⁷³ Henry G. Schermers and Niels M. Blokker, "Supervision and Sanctions," in *International Institutional Law: Sixth Revised Edition* (Brill | Nijhoff, 2018), <https://doi.org/10.1163/9789004381650>.

Consumer trust and the integrity of e-commerce platforms can be maintained by practicing ethical and transparent business practices.⁷⁴

5. Conclusion

In Indonesia, the legality of brushing techniques from the standpoint of telematics legislation and consumer protection law remains an open question. Consumer rights, including the security and privacy of their personal data, are violated by brushing procedures that are carried out without the knowledge or consent of the consumer. Under Indonesian consumer protection law, consumers are shielded from deceptive or harmful practices, and any brushing that occurs without the agreement of the consumer may be considered a breach of those rights. In the meantime, brushing practices also entail the use of digital technology and communication for certain goals from the standpoint of telematics legislation. Here, brushing can be against the law, including the Electronic Information and Transactions Law (ITE Law) in Indonesia, which regulates the use of digital technology and communications. The ITE Law forbids using data in a way that could cause harm to others, fabricating one's identity, and gaining unauthorized access to personal information. It is common for the practice of brushing against consumer protection and telecommunications legislation in Indonesia to be in violation of other relevant laws and regulations. Consequently, brushing may be deemed unlawful in Indonesia and may face penalties in compliance with relevant legislation. In order to prevent brushing activities, it is critical that the government and regulatory agencies bolster law enforcement, protect consumers from brushing practices, and inform consumers of their rights in this regard. In order to safeguard customers and preserve the integrity of Indonesia's online environment, it is also critical to enact stringent regulations and execute efficient law enforcement.

References

Adiningsih, Sri. *Transformasi Ekonomi Berbasis Digital di Indonesia: Lahirnya Tren Baru Teknologi, Bisnis, Ekonomi, dan Kebijakan di Indonesia*. Jakarta: Gramedia Pustaka Utama, 2019.

⁷⁴ Yossie Rossanty, Muhammad Dharma Tuah Putra Nasution, and Firman Ario, *Consumer Behaviour in Era Millennial* (Medan: Lembaga Penelitian dan Penulisan Ilmiah AQLI, 2018).

- Aditiya, IIP M. "Jawara E-Commerce Di Awal Tahun 2023," May 28, 2023. <https://goodstats.id/article/jawara-e-commerce-di-awal-tahun-2023-CkEmg>.
- Ahmad, Ahmad Y. A. Bani, Taviti Naidu Gongada, Gitanjali Shrivastava, Raviraj Singh Gabbi, Shaziya Islam, and Komatigunta Nagaraju. "E-Commerce Trend Analysis and Management for Industry 5.0 Using User Data Analysis." *International Journal of Intelligent Systems and Applications in Engineering* 11, no. 11s (September 6, 2023): 135–50.
- Bahri, Idik Saeful. *Cyber Crime Dalam Sorotan Hukum Pidana (Edisi 2023)*. Bahasa Rakyat, 2023.
- Bala, Madhu, and Deepak Verma. "A Critical Review of Digital Marketing." *International Journal of Management, IT & Engineering* 8, no. 10 (2018): 332–39.
- Barbado, Rodrigo, Oscar Araque, and Carlos A. Iglesias. "A Framework for Fake Review Detection in Online Consumer Electronics Retailers." *Information Processing & Management* 56, no. 4 (July 1, 2019): 1234–44. <https://doi.org/10.1016/j.ipm.2019.03.002>.
- Berita Hari Ini. "Viral Fake Buyer di TikTok, Apa Artinya?" kumparan, October 12, 2023. <https://kumparan.com/berita-hari-ini/viral-fake-buyer-di-tiktok-apa-artinya-21MdDTFY8n1>.
- Cao, Zike, Junhong Chu, Kai-Lung Hui, and Hong Xu. "The Relationship Between Online Referral Marketing and Price Promotion: Evidence from a Large E-Commerce Platform." *Journal of Management Information Systems* 38, no. 3 (July 3, 2021): 855–88. <https://doi.org/10.1080/07421222.2021.1962597>.
- Christy, Firdhy Esterina. "Prediksi Angka Pengguna E-Commerce Di Indonesia 2024." tempo.co, March 16, 2023. <https://data.tempo.co/data/909/prediksi-angka-pengguna-e-commerce-di-indonesia-2024>.
- Digifolium. "5 Alasan Mengapa Jasa Fake Order Shopee Cukup Berbahaya." Agensi Jasa Kelola Optimasi Marketplace Shopee, Tokopedia, Bukalapak, Lazada, Blibli, JD ID - Digifolium.com, January 27, 2022. <https://digifolium.com/5-alasan-mengapa-jasa-fake-order-shopee-cukup-berbahaya/>.
- Effendi, Nurlis. *Hukum Pers Dan Etika Jurnalistik Di Era Digital*. Vol. 1. Bandar Lampung: UPPM Universitas Malahayati, 2022.

- El Haddad, Ghada, Esma Aimeur, and Hicham Hage. "Understanding Trust, Privacy and Financial Fears in Online Payment." In *2018 17th IEEE International Conference On Trust, Security And Privacy In Computing And Communications/ 12th IEEE International Conference On Big Data Science And Engineering (TrustCom/BigDataSE)*, 28–36. New York, NY, USA: IEEE, 2018. <https://doi.org/10.1109/TrustCom/BigDataSE.2018.00015>.
- Erp, Judith van. "Reputational Sanctions in Private and Public Regulation." *Erasmus Law Review* 1, no. 5 (January 1, 2008). <https://repub.eur.nl/pub/20564>.
- Fachruddin, Irfan. *Pengawasan Peradilan Administrasi Terhadap Tindakan Pemerintah*. Bandung: Alumni, 2004.
- Fios, Frederikus. "Keadilan Hukum Jeremy Bentham Dan Relevansinya Bagi Praktik Hukum Kontemporer." *Humaniora* 3, no. 1 (April 30, 2012): 299–309. <https://doi.org/10.21512/humaniora.v3i1.3315>.
- Fitri, Irma Mulia, Ilyas Ismail, and Suhaimi Suhaimi. "Pengawasan dan Pembinaan Majelis Pengawas Daerah Terhadap Notaris Yang Melakukan Pelanggaran." *Syiah Kuala Law Journal* 3, no. 1 (April 29, 2019): 53–62. <https://doi.org/10.24815/sklj.v3i1.12323>.
- Foster, Bob, and Fitriani Retya. "The Impact of Digitalization of Marketing and Consumer Purchasing Power as an Intervening Towards Intention to Buy Product in Store-Based Retail Store." *International Journal of Recent Technology and Engineering* 8, no. 2S7 (September 5, 2019): 120–25. <https://doi.org/10.35940/ijrte.B1027.0782S719>.
- Foxton, Justin. "Live Buzz Marketing." In *Connected Marketing*, 24–46. Routledge, 2007.
- Grets, Noel P., and John D. Kasarda. "Enterprise Logistics in the Information Era." *California Management Review* 39, no. 4 (July 1997): 55–78. <https://doi.org/10.2307/41165910>.
- Hossain, Syed Far Abid, Zhao Xi, Mohammad Nurunnabi, and Khalid Hussain. "Ubiquitous Role of Social Networking in Driving M-Commerce: Evaluating the Use of Mobile Phones for Online Shopping and Payment in the Context of Trust." *SAGE Open* 10, no. 3 (July 2020): 1–11. <https://doi.org/10.1177/2158244020939536>.

- Irwansyah. *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Edited by Ahsan Yunus. Cet. 4, Edisi Revisi. Yogyakarta: Mirra Buana Media, 2021.
- Isra, Siti Mutmaina Suci Lasri, Nur Mohamad Kasim, and Dolot Alhasni Bakung. "SPayLater Installments Loans on The Civil Code Perspective." *Disruption Law Review* 1, no. 1 (December 12, 2023): 1–15.
- Jin, Chen, Luyi Yang, and Kartik Hosanagar. "To Brush or Not to Brush: Product Rankings, Consumer Search, and Fake Orders." *Information Systems Research* 34, no. 2 (June 2023): 532–52. <https://doi.org/10.1287/isre.2022.1128>.
- Jumiati, Agatha, and Ellectrananda Anugerah Ash-shidiqqi. "Asas Kepastian Hukum Pelaksanaan Hukuman Mati Di Indonesia." *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 6, no. 1 (April 25, 2022): 26–36. <https://doi.org/10.35308/jic.v6i1.3935>.
- Karo, Rizky Karo, and Agnes Sebastian. "Juridical Analysis on the Criminal Act of Online Shop Fraud in Indonesia." *Lentera Hukum* 6, no. 1 (April 28, 2019): 1–14. <https://doi.org/10.19184/ejhl.v6i1.9567>.
- Kristiyanti, Celina Tri Siwi. *Hukum Perlindungan Konsumen*. Jakarta: Sinar Grafika, 2022.
- Layard, Richard. *The Greatest Happiness Principle: Its Time Has Come*. Vol. 4. München: ifo Institut für Wirtschaftsforschung an der Universität München, 2010.
- Mahfudin, Agus. "Prinsip-Prinsip Negara Hukum Modern Dalam Pendekatan Hukum Islam." In *Proceedings of Annual Conference for Muslim Scholars*, 830–38, 2018.
- Marthin, Marthin, Marthen B. Salinding, and Inggit Akim. "Implementasi Prinsip Corporate Social Responsibility (CSR) Berdasarkan Undang-Undang Nomor 40 Tahun 2007 Tentang Perseroan Terbatas." *Journal of Private and Commercial Law* 1, no. 1 (November 19, 2017): 111–32. <https://doi.org/10.15294/jpcl.v1i1.12358>.
- Martin, Kelly D., and Patrick E. Murphy. "The Role of Data Privacy in Marketing." *Journal of the Academy of Marketing Science* 45, no. 2 (March 2017): 135–55. <https://doi.org/10.1007/s11747-016-0495-4>.

- Max, Boli Sabon. *Pendekatan Dogmatika Hukum Dan Teori Hukum Terhadap Fungsi Sosial Hak Milik Dalam Konteks Negara Hukum Pancasila*. Jakarta: Penerbit Unika Atma Jaya Jakarta, 2019.
- Mill, John Stuart. *Utilitarianisme*. Translated by Artika Sari and Era Ari Astanto. Yogyakarta: BASABASI, 2020.
- Moha, Mohamad Rivaldi, Ahmad Ahmad, Amanda Adelina Harun, and Nurul Fazri Elfikri. "The Comparative Law Study: E-Commerce Regulation in Indonesia and Singapore." *Jurnal Legalitas* 16, no. 2 (October 30, 2023): 248–59. <https://doi.org/10.33756/jelta.v16i2.20463>.
- Mukherjee, Avinandan, and Prithwiraj Nath. "Role of Electronic Trust in Online Retailing: A Re-examination of the Commitment-trust Theory." Edited by David C. Arnott. *European Journal of Marketing* 41, no. 9/10 (September 25, 2007): 1173–1202. <https://doi.org/10.1108/03090560710773390>.
- Nachrawi, Gunawan. *Hukum Kontrak Komersial*. Bandung: Cendekia Press, 2020.
- Nasution, Eri Yanti, Prawidya Hariani, Lailan Safina Hasibuan, and Wita Pradita. "Perkembangan Transaksi Bisnis E-Commerce Terhadap Pertumbuhan Ekonomi Di Indonesia." *Jesya* 3, no. 2 (June 30, 2020): 506–19. <https://doi.org/10.36778/jesya.v3i2.227>.
- Nawi, Syahrudin. *Penelitian Hukum Normatif Versus Penelitian Hukum Empiris*. Makassar: Umitoha Ukhuwah Grafika, 2018.
- Pancawati, MB Dewi. "Kebiasaan Belanja "Online" Berlanjut Meski Pandemi Melandai - Kompas.Id." [Kompas.id](https://www.kompas.id/baca/riset/2023/01/09/kebiasaan-belanja-online-berlanjut-meski-pandemi-melandai), January 9, 2023. <https://www.kompas.id/baca/riset/2023/01/09/kebiasaan-belanja-online-berlanjut-meski-pandemi-melandai>.
- Pasaribu, Bety Elysabeth, Anisa Herdiani, and Widi Astuti. "Deteksi Fake Review Menggunakan Support Vector Machine." *eProceedings of Engineering* 6, no. 2 (2019).
- Payamta, C. P. A. *Bisnis Digital: Mengelola Akuntansi, Pajak, Dan Audit Dengan Sukses*. Nas Media Pustaka, 2023.
- Peinkofer, Simone T., and Yao Henry Jin. "The Impact of Order Fulfillment Information Disclosure on Consequences of Deceptive Counterfeits." *Production and*

- Operations Management* 32, no. 1 (January 2023): 237–60.
<https://doi.org/10.1111/poms.13833>.
- Pratama, Gama, Muhammad Mufti Yasin, Lina Rokhmatulah, and Nila Atikah. “Penerapan Prinsip-Prinsip Ekonomi Abu Yusuf Dalam Praktik Bisnis Dan Keuangan Modern.” *Jurnal Multidisiplin Indonesia* 2, no. 8 (August 16, 2023): 1975–83. <https://doi.org/10.58344/jmi.v2i8.403>.
- Puluhulawa, Fenty U. “Pengawasan Sebagai Instrumen Penegakan Hukum Pada Pengelolaan Usaha Pertambangan Mineral Dan Batubara.” *Jurnal Dinamika Hukum* 11, no. 2 (May 31, 2011): 306–16.
<https://doi.org/10.20884/1.jdh.2011.11.2.189>.
- Putri, Wanda Andita. “Strategi Marketing Bisnis Online ‘Fake Buyer’ sedang Ramai Diperbincangkan, Apa Itu?” *liputan6.com*, October 12, 2023.
<https://www.liputan6.com/citizen6/read/5420576/strategi-marketing-bisnis-online-fake-buyer-sedang-ramai-diperbincangkan-apa-itu>.
- Quach, Sara, and Park Thaichon. “Dark Motives-Counterfeit Selling Framework: An Investigate on the Supply Side of the Non-Deceptive Market.” *Marketing Intelligence & Planning* 36, no. 2 (March 13, 2018): 245–59.
<https://doi.org/10.1108/MIP-04-2017-0069>.
- Rahardjo, Satjipto. *Penegakan Hukum Progresif*. Jakarta: Kompas Media Nusantara, 2010.
- Rahman, Md Hasebur. “Henry Fayol and Frederick Winslow Taylor’s Contribution to Management Thought: An Overview.” *ABC Journal of Advanced Research* 1, no. 2 (December 31, 2012): 94–103. <https://doi.org/10.18034/abcjar.v1i2.10>.
- Rodhiyah, Siti, and Muhammad Harir. “Peranan Badan Permusyawaratan Desa (BPD) Dalam Pembentukan Peraturan Desa Di Desa Krandon Kecamatan Guntur Kabupaten Demak.” *Jurnal Pembaharuan Hukum* 3, no. 3 (2016): 291–300.
<https://doi.org/10.26532/jph.v3i3.1375>.
- Rohman, Miftakur. “Modernisasi Peradilan Melalui E-Litigasi Dalam Perspektif Utilitarianisme Jeremy Bentham.” *MIYAH: Jurnal Studi Islam* 16, no. 2 (2020): 288–301. <https://doi.org/10.33754/miyah.v16i2.276>.

- Rosdiana, Riski, Iyus Akhmad Haris, and Kadek Rai Suwena. "Pengaruh Kepercayaan Konsumen Terhadap Minat Beli Produk Pakaian Secara Online." *Jurnal Pendidikan Ekonomi Undiksha* 11, no. 1 (June 11, 2019): 318. <https://doi.org/10.23887/jjpe.v11i1.20164>.
- Rosillo-Díaz, Elena, Francisco Javier Blanco-Encomienda, and Esmeralda Crespo-Almendros. "A Cross-Cultural Analysis of Perceived Product Quality, Perceived Risk and Purchase Intention in e-Commerce Platforms." *Journal of Enterprise Information Management* 33, no. 1 (November 13, 2019): 139–60. <https://doi.org/10.1108/JEIM-06-2019-0150>.
- Rossanty, Yossie, Muhammad Dharma Tuah Putra Nasution, and Firman Ario. *Consumer Behaviour in Era Millennial*. Medan: Lembaga Penelitian dan Penulisan Ilmiah AQLI, 2018.
- Saepullah, Asep. "Konsep Utilitarianisme John Stuart Mill: Relevansinya terhadap Ilmu-ilmu atau Pemikiran Keislaman." *Aqlania* 11, no. 2 (December 11, 2020): 243–61. <https://doi.org/10.32678/aqlania.v11i2.2961>.
- Salamiah, Salamiah, and Ningrum Ambarsari. "Urgensi Kontrak Perdagangan E-Commerce Dalam Hukum Perjanjian." *Al-Adl : Jurnal Hukum* 15, no. 2 (July 20, 2023): 362–79. <https://doi.org/10.31602/al-adl.v15i2.8021>.
- Sari, Kurnia Ambar. "Integrasi Hukum Perlindungan Konsumen Dan Persaingan Usaha Atas Data Pribadi Konsumen Pada Platform Digital." *UNES Law Review* 6, no. 1 (September 22, 2023): 1936–47. <https://doi.org/10.31933/unesrev.v6i1.954>.
- Schermers, Henry G., and Niels M. Blokker. "Supervision and Sanctions." In *International Institutional Law: Sixth Revised Edition*. Brill | Nijhoff, 2018. <https://doi.org/10.1163/9789004381650>.
- Sharma, Gajendra, and Wang Lijuan. "Ethical Perspectives on E-Commerce: An Empirical Investigation." *Internet Research* 24, no. 4 (July 29, 2014): 414–35. <https://doi.org/10.1108/IntR-07-2013-0162>.
- ShengYi, Wang, and Arti Pandey. "The Impact of Consumer Reviews on Consumer Purchasing Decisions." *St. Theresa Journal of Humanities and Social Sciences* 9, no. 2 (2023): 16–30.

- Simanjuntak, Herry Anto. "Jenis Jenis Perbuatan Curang Yang Merugikan Hak Konsumen Dalam Undang-Undang Perlindungan Konsumen." *Jurnal Justika* 2, no. 2 (November 13, 2020): 9–16. <https://doi.org/10.36764/justika.v2i2.457>.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Ed. 1. Jakarta: Raja Grafindo Persada, 2001.
- Soemadiningrat, R. Otje Salman. *Filsafat Hukum: Perkembangan & Dinamika Masalah*. Edited by Aep Gunarsa. Bandung: Refika Aditama, 2018.
- Sriekaningsih, Ana. *QRIS Dan Era Baru Transaksi Pembayaran 4.0*. Yogyakarta: Penerbit Andi, 2020.
- Sudiro, Achmad. *Perilaku Organisasi*. Jakarta: Bumi Aksara, 2021.
- Susanto, Happy. *Hak-Hak Konsumen Jika Dirugikan*. Jakarta: Visimedia, 2008.
- Tarigan, Zeplin Jiwa Husada, Juan Alexander Jiputra, and Hotlan Siagian. "The Effect of Supply Chain Practices on Retailer Performance with Information Technology as Moderating Variable." *International Journal of Data and Network Science*, 2021, 47–54. <https://doi.org/10.5267/j.ijdns.2020.11.003>.
- Tian, Qing, Jun-ling Zhu, and Hua-mei Sun. "Overview on Spammers' False Transaction and Comment in Chinese E-Commerce." In *Proceedings of the 2017 7th International Conference on Applied Science, Engineering and Technology (ICASET 2017)*. Qingdao, China: Atlantis Press, 2017. <https://doi.org/10.2991/icaset-17.2017.32>.
- Tjandra, W. Riawan. *Hukum Keuangan Negara*. Jakarta: Grasindo, 2006.
- Tong, Tingting, Xun Xu, Nina Yan, and Jianjun Xu. "Impact of Different Platform Promotions on Online Sales and Conversion Rate: The Role of Business Model and Product Line Length." *Decision Support Systems* 156 (May 2022): 113746. <https://doi.org/10.1016/j.dss.2022.113746>.
- Turner, Bryan S. "Nietzsche and Happiness." In *Nietzsche and Critical Social Theory: Affirmation, Animosity, and Ambiguity*. BRILL, 2020. <https://doi.org/10.1163/9789004415577>.
- Ul, Burhan, Rashidah F., Asifa Mehraj, Adil Ahmad, and Shahul Assad. "A Compendious Study of Online Payment Systems: Past Developments, Present Impact, and Future Considerations." *International Journal of Advanced Computer Science and*

- Applications* 8, no. 5 (2017): 256–71.
<https://doi.org/10.14569/IJACSA.2017.080532>.
- Usman, Husaini. *Manajemen: Teori, Praktik, Dan Riset Pendidikan*. 4th ed. Jakarta: Bumi Aksara, 2022.
- Veenhoven, Ruut. “Happiness as a Public Policy Aim: The Greatest Happiness Principle.” *Positive Psychology in Practice*, 2004, 658–78.
- Wasil, Mohammad, Ulya Nur Isnani, Ari Arumningtias, Novan Firmansyah, Wulan Aprisyah, and Adila Fahmi Mahendra. “Optimasi Pemasaran Brand Lokal Melalui Platform E-Commerce.” *Jurnal Esensi Infokom : Jurnal Esensi Sistem Informasi Dan Sistem Komputer* 7, no. 2 (October 30, 2023): 93–97.
<https://doi.org/10.55886/infokom.v7i2.761>.
- Xu, Haitao, Daiping Liu, Haining Wang, and Angelos Stavrou. “E-Commerce Reputation Manipulation: The Emergence of Reputation-Escalation-as-a-Service.” In *Proceedings of the 24th International Conference on World Wide Web*, 1296–1306. Florence Italy: International World Wide Web Conferences Steering Committee, 2015. <https://doi.org/10.1145/2736277.2741650>.
- Yulianti, Rahmani Timorita. “Transparansi Anggaran: Suatu Upaya Efisiensi Dan Antisipasi Korupsi Di Indonesia.” *La_Riba* 4, no. 2 (2010): 239–50.
<https://doi.org/10.20885/lariba.vol4.iss2.art6>.
- Yunus, Idris, and Ariawan Ariawan. “Keputusan Pembelian Konsumen: Perspektif Online Consumer Review.” *PRAGMATIS* 3, no. 1 (March 29, 2022): 36–47.