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

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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, in addition to significantly increasing the quantity of transactions involving purchases and sales made online. 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. 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. 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. 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;

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4) The convenience of online payments encourages the development of digital wallets and online payment systems.\textsuperscript{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,\textsuperscript{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,\textsuperscript{9} has increased customer convenience by enabling product delivery in a fraction of the time;

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.\textsuperscript{10} 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.\textsuperscript{11} An increasing number of individuals are turning to online purchasing due to social constraints and concerns about the safety of in-person purchases;\textsuperscript{12} 


\textsuperscript{13} Ana Sriekaningsih, \textit{QRIS Dan Era Baru Transaksi Pembayaran 4.0} (Yogyakarta: Penerbit Andi, 2020).
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.\textsuperscript{14}

Rising earnings and other economic growth factors have increased Indonesians' purchasing power as the country's average income has increased,\textsuperscript{15} promoting the rise of online shopping.

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.\textsuperscript{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.


**Figure 1. Active Users of Online Shopping Applications in March 2022**

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

**Figure 2. E-commerce with Highest Visits in Indonesia by Q1 2023**

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

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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. 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. To trick other prospective customers or improve their standing on the online store platform, they pose as real customers. It turns out that many internet retailers employ buzzers when

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they are live, asking questions about products, leaving comments, and much more—not just phony customers.\textsuperscript{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.\textsuperscript{24} False reviews, however, can harm the reputation of the vendor and the goods.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

\begin{itemize}
\item Idik Saeful Bahri, Cyber Crime Dalam Sorotan Hukum Pidana (Edisi 2023) (Bahasa Rakyat, 2023).
\item C. P. A. Payamta, Bisnis Digital: Mengelola Akuntansi, Pajak, Dan Audit Dengan Sukses (Nas Media Pustaka, 2023).
\end{itemize}
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**

- The role of the internet and social media
- E-commerce platforms tend to cover up and are not strict about the practice of brushing
- Weak supervisory function of law enforcement officials
- Easy access to fake ID creation
- Instant behavior patterns of online buying and selling actors in the process
- People who are harmed by the practice of brushing are reluctant to report it to the authorities because the fake user data is on the side of the seller and e-commerce.
- Has the aim of influencing consumers to place CO orders
- Get support from influencers who have a lot of followers

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. 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. Consumer purchasing decisions are significantly influenced by online

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evaluations and testimonials.\textsuperscript{32} When deciding which product or service to buy, consumers frequently consult customer reviews.\textsuperscript{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".\textsuperscript{34} Normative research is literary legal research that in countries that are commonly called “Legal Research” or “Legal Research Instruction”,\textsuperscript{35} with Statute Approach, Case Approach, Conceptual Approach, Analytical


\textsuperscript{34} Syahruddin Nawi, Penelitian Hukum Normatif Versus Penelitian Hukum Empiris (Makassar: Umitoha Ukhwah Grafika, 2018), 7.

\textsuperscript{35} Soerjono Soekanto and Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat, Ed. 1 (Jakarta: Raja Grafindo Persada, 2001), 23.
Approach, Theoretical Approach.\textsuperscript{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.\textsuperscript{37} In online transactions including purchases and sales, "fake buyers" are practices that are against the law in several jurisdictions.\textsuperscript{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.\textsuperscript{39} If damages are claimed, the seller may take legal action.\textsuperscript{40}

Brushing falls under the realm of invasion of privacy,\textsuperscript{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.\textsuperscript{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.

\textsuperscript{37} Tian, Zhu, and Sun, "Overview on Spammers' False Transaction and Comment in Chinese E-Commerce."
\textsuperscript{39} Gunawan Nachrawi, Hukum Kontrak Komersial (Bandung: Cendekia Press, 2020).
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. 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. 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.

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. The primary goal of consumer protection law is to shield customers from unethical company practices. 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...
fines for companies that participate in this practice.\textsuperscript{48}

A comparative study of multiple nations has led to the establishment of consumer protection legislation that forbid 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:

\begin{table}
\centering
\begin{tabular}{|c|c|c|c|c|}
\hline
\textbf{Regulatory Aspects} & \textbf{Indonesia} & \textbf{United States of America} & \textbf{European Union} & \textbf{India} & \textbf{Australia} \\
\hline
\textbf{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 \\
\hline
\textbf{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 \\
\hline
\textbf{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 & \\
\hline
\textbf{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 & The Consumer Protection 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 \\
\hline
\end{tabular}
\caption{Brushing regulation from the perspective of consumer protection law in Indonesia, the United States, the European Union, India, and Australia}
\end{table}

\textsuperscript{48}Happy Susanto, \textit{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>
<thead>
<tr>
<th>Regulatory Aspects</th>
<th>Indonesia</th>
<th>United States of America</th>
<th>European Union</th>
<th>India</th>
<th>Singapore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Basis</td>
<td>Law No. 11 of 2008 on Electronic Information and Transactions</td>
<td>Communication Decency Act</td>
<td>General Data Protection Regulation (GDPR)</td>
<td>The Information Technology Act</td>
<td>Personal Data Protection Act</td>
</tr>
<tr>
<td></td>
<td>Regulation of the Minister of Communications and Informatics (Permentelkna s) No. 20 of 2008</td>
<td>CDA Part of the Communications Act (CDA) and the Free Speech Act (First Amendment)</td>
<td>EU regulation on consumer protection (Consumer Protection Regulation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definition of Brushing</td>
<td>There is no explicit definition in the ITE Law, but brushing can be considered an invasion of privacy or misuse</td>
<td>There is no explicit definition of brushing in US federal law</td>
<td>Brushing in GDPR (regulating data usage)</td>
<td>There is no explicit definition of brushing in the IT Act</td>
<td>No explicit definition of PDPA (regulates data use)</td>
</tr>
<tr>
<td>Role of the Authority</td>
<td>The Ministry of Trade and the Consumer Protection Agency (Badan POM) have a role in overseeing</td>
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</tr>
</tbody>
</table>

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

http://ejurnal.ung.ac.id/index.php/jalrev/  JALREV 5 Issue 02 2023
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. 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>
<thead>
<tr>
<th>Violation Sanctions</th>
<th>Criminal sanctions, fines, administratives sanctions</th>
<th>Civil, fine and criminal sanctions $42,530 per violation</th>
<th>Fines of 20 million euros or more</th>
<th>Criminal sanctions and fines as well as administratives sanctions</th>
<th>Criminal fines and account suspension</th>
</tr>
</thead>
</table>

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.

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<table>
<thead>
<tr>
<th>Consumer Protection</th>
<th>Threat of sanctions and fines</th>
<th>Electronic information and transaction law (UU ITE)</th>
<th>Threat of sanctions and fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4 of Law No. 8 Year 1999 on Consumer Protection</td>
<td>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).</td>
<td>Article Paragraph (1) of the ITE Law Every person intentionally, and without the right to spread false and misleading news that results in consumer harm in electronic transactions.</td>
<td>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</td>
</tr>
</tbody>
</table>

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

5) the right to obtain advocacy, protection, and efforts to resolve consumer protection disputes properly;

6) the right to receive guidance and consumer education;

7) the right to be treated or served correctly and honestly and non-discriminatory;

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;

9) the rights stipulated in the provisions of other laws and regulations.

(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.)

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.

Law No. 8 of 1999 on Consumer Protection, Article 9

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.

(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.)

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).

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


a state and laws to exist.\textsuperscript{52} This theory upholds the maximization of happiness,\textsuperscript{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.\textsuperscript{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.\textsuperscript{55}

The greatest happiness for the largest number of people is the ultimate purpose of legislation,\textsuperscript{56} and its main objectives are as follows:\textsuperscript{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.\textsuperscript{58} Thus, the greatest happiness of the largest number of people is the ultimate purpose of law

\textsuperscript{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).
\textsuperscript{58} Nurlis Effendi, Hukum Pers Dan Etika Jurnalistik Di Era Digital, vol. 1 (Bandar Lampung: UPPM Universitas Malahayati, 2022).
and regulation.\textsuperscript{59}

The following ideas were introduced by English philosopher John Stuart Mill to Jeremy Bentham's expediency/utilitarianism theory:\textsuperscript{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,\textsuperscript{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 (\textit{doelmatigheid}).\textsuperscript{62} The three goals of the law, which are also connected to the requirements of this study, are explained below.


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. 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, and to find out what difficulties are encountered by the implementers so that corrective measures can be taken. The goal

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of supervision is to make corrections, not to assign blame.\textsuperscript{66}

From a theoretical standpoint, since supervision is a component of management activities, the idea of supervision is developed in management science (management).\textsuperscript{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.\textsuperscript{68}

Muchsan came to the conclusion that the following components are necessary for supervisory action to exist.\textsuperscript{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:\textsuperscript{70}

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

\textsuperscript{69} W. Riawan Tjandra, \textit{Hukum Keuangan Negara} (Jakarta: Grasindo, 2006).
\textsuperscript{70} Irfan Fachruddin, \textit{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.

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

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