

Dilemma of Consumer Protection Law Enforcement in E-Commerce in the Grabtoko Case: Who is Responsible?

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ABSTRACT

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This study highlights the dilemma of enforcing consumer protection laws in online marketplaces in the Grabtoko case, which shows a gap between legal norms and their implementation in the field. The purpose of this study is to analyze the effectiveness of consumer protection laws in Indonesia, evaluate the investigation and prosecution processes in the Grabtoko case, and formulate policy recommendations to strengthen criminal law enforcement against misleading advertisements in e-commerce. This research is normative in nature, using a case study and legislation approach. Primary legal materials include the Consumer Protection Law, Government Regulation No. 80 of 2019, the ITE Law, and Decision No. 465/Pid.Sus/2021/PN JKT SEL, while secondary materials consist of law books, journal articles, and official online media reports. The analysis technique used is qualitative, in the form of legal document review and synthesis of legal arguments. The results of the study reveal inconsistencies in the application of norms, particularly in the verification of business actors and the authentication of digital evidence, as well as legal obstacles in proving the element of intent. The four-year prison sentence sets an important precedent, but the proof of subjective mens rea still needs to be strengthened. Recommendations include regulatory revisions, e-KYC certification, digital forensics training, and inter-agency coordination mechanisms to improve the effectiveness of law enforcement.

1. Introduction

The rapid development of information and communication technology over the past two decades has given rise to a digital ecosystem that enables millions of consumers to conduct online transactions around the world (Khando et al., 2022). According to the United Nations Conference on Trade and Development (UNCTAD), the value of global e-commerce in 2023 will reach more than USD 26 trillion, growing by more than 4% compared to the previous year (Fredriksson, 2024). However, the phenomenon of misleading advertisements has become one of the main challenges for cross-border consumer protection (Baumann & Rasch, 2020). Various regulations in the European Union (Digital Services Act), the United States (Federal Trade Commission Act), and Asia-Pacific countries are also being updated to combat these fraudulent practices (García-Nieto et al., 2021; Lawrence, 2021; Taak et al., 2024; Zard & Sears, 2023). Deceived digital consumers tend to suffer financial losses and a decline in trust in marketplace platforms, thereby causing negative impacts on digital economic growth and global financial inclusion (Dwivedi et al., 2021).

Internet penetration in Indonesia, which reached more than 77% of the population by the end of 2024, has driven rapid growth in e-commerce, with transaction values reaching IDR 840 trillion in the same year according to the Indonesian E-commerce Association (IdEA) (Lubis et al., 2024), then increasing to more than 80% in 2025, according to data from the Indonesian Internet Service Providers

Association (*Asosiasi Penyelenggara Jasa Internet Indonesia/APJII*) (Muhammad, 2025). Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Law) and derivative regulations such as Government Regulation No. 80 of 2019 concerning Trade Through Electronic Systems (PP No. 80 of 1999) are the main legal instruments in handling consumer disputes, especially in the digital realm (Rosidah & Karjoko, 2025; Subagyo et al., 2024). However, there are still many cases of misleading advertisements on various digital platforms that disturb consumers, including local and international marketplaces (Issa, 2023; Kiky, 2025). The Grabtoko case, which involved a four-year prison sentence for its founder for defrauding hundreds of consumers (Mahkamah Agung, 2021), is a strong signal that law enforcement in Indonesia needs to be reviewed in terms of its effectiveness and institutional aspects. This situation raises academic questions about the extent to which regulations and law enforcement practices in Indonesia are able to effectively protect digital consumers.

Various studies have examined the challenges and mechanisms of online consumer protection. Research by Mupangavanhu & Kerchhoff (2023) in South Africa discusses consumer trust factors in e-commerce platforms regarding false, misleading, and deceptive online marketing, as well as its implications for user loyalty. Irawati et al. (2023) focus on the impact of misleading advertisements on greenwashing marketing strategies in green marketing on consumer risk perception in Indonesia. Baumann & Rasch (2020) analyze regulatory policies in the US and the EU to mitigate misleading online advertising. Arifin et al. (2021) evaluate the effectiveness of Government Regulation No. 80 of 2019 in protecting digital consumers in Indonesia and the challenges ahead. Sharma & Kalra (2021) examined the role of blockchain technology in tracking production and marketing for transparency in e-commerce transactions. Then, research by Najati & Mashdurohatun (2024) reviewed the framework for cross-jurisdictional law enforcement in Southeast Asian e-commerce, particularly in Indonesia, Malaysia, and Singapore.

Several of the above publications have described developments in studies ranging from aspects of trust and regulation to supporting technology in the field of e-commerce. From a criminal law perspective, research by Kamran et al. (2021) highlights the application of Article 28 paragraph 1 of Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law) to fraud practices in the digital transaction realm. Meanwhile, another study conducted by Syaufi et al. (2023) identifies the obstacles faced by law enforcement officials in the investigation and prosecution of e-commerce cases. The existing literature has not comprehensively linked the regulatory framework, law enforcement dynamics, and consumer protection aspects in Indonesia, especially in the context of legal liability, such as in the case of misleading advertisements by Grabtoko.

Although many studies discuss aspects of trust, regulation, and technology in e-commerce, there is a gap in studies that comprehensively examine the process of criminal law enforcement on misleading advertising practices in Indonesia. The main issue examined in this study is the extent to which the legal framework and law enforcement mechanisms for consumer protection in Indonesia are able to protect consumers from misleading advertising practices on online marketplace platforms (e-commerce). Based on these issues, the purpose of this study is to analyze the effectiveness of legislation in handling cases of misleading advertisements, both in the Consumer Protection Law, Government Regulation No. 80 of 2019, and the ITE Law. This study will also evaluate the dynamics of the investigation and judicial processes in the Grabtoko case. In addition, this study also formulates policy recommendations to improve consumer protection in the digital space through more optimal criminal law enforcement in Indonesia.

2. Methods

This study uses a normative legal research method with a case study and legislation approach to examine aspects of consumer protection law enforcement in the practice of misleading advertisements in online marketplaces (Marzuki, 2017). The primary legal materials consist of Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law), Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems (PP No. 80 of 2019), Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), and South Jakarta District Court Decision Number 465/Pid.Sus/2021/PN JKT SEL, which is a court decision on the Grabtoko case. Meanwhile,

secondary legal materials include academic literature in the form of legal and non-legal books, national and international journal articles, as well as relevant reports and news from official online media. All materials were collected through literature study and document review (Fahmi et al., 2025). The legal material analysis technique applied is qualitative-descriptive, with steps to describe and synthesize legal norms, legal arguments, and empirical findings in the verdict, then compare the conformity between the provisions of the legislation and enforcement practices in the field (Bhat, 2020).

3. Results and Discussion

3.1. Description and Chronology of the Grabtoko Case

PT Grab Toko Indonesia, commonly known as Grabtoko, was founded by Yudha Manggala Putra in October 2020 with an e-commerce platform offering electronic products such as smartphones, power banks, and household appliances at discounts of up to 50%. In December 2020, a massive promotion was launched through social media advertisements, requiring consumers to make full payment in advance. Starting in early January 2021, reports from consumers who did not receive their goods began to flow into the Indonesian National Police. On January 6, 2021, the Criminal Investigation Unit of the Indonesian National Police named Yudha Manggala Putra as a suspect and arrested him in South Jakarta. The trial proceedings took place throughout 2021, and on September 27, 2021, the South Jakarta District Court sentenced him to four years in prison and a fine of Rp 800 million or an alternative six-month imprisonment (Mahkamah Agung, 2021).

The main party in this case is Yudha Manggala Putra as the founder and main perpetrator of misleading advertisements, responsible for the overall operations and marketing strategy of Grabtoko. The victims consist of 980 individual consumers from various regions in Indonesia who made advance payments but did not receive the products as promised in the advertisements. Law enforcement authorities, particularly the Criminal Investigation Unit of the Indonesian National Police, led the investigation process by summoning witnesses, seizing electronic devices, and securing digital evidence. The public prosecutor then formulated charges based on Article 28 paragraph 1 of the ITE Law and Articles 8 to 9 of the Consumer Protection Law, while the judge at the South Jakarta District Court evaluated the material evidence and enforced the criminal verdict.

In this case, the products sold include popular brands of smartphones, power banks, blenders, and rice cookers, at significantly lower prices, thereby attracting consumer interest. The payment mechanism requires full payment before delivery, with no installment plans or cash on delivery (COD) options. Evidence of advertising communications was collected from screenshots of social media advertisements and archived Grabtoko web pages. The total estimated loss is approximately Rp 17 billion, with only nine consumers successfully receiving their orders (Mahkamah Agung, 2021).

3.2. Analysis of the Consumer Protection Law and ITE Law

Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law) regulates the rights and obligations of business actors and prohibits deceptive trade practices. Article 8 affirms the right of consumers to obtain accurate, clear, and honest information about the condition and warranty of goods and/or services. Article 9 prohibits business actors from using misleading advertisements, promotions, or sales methods, including promises of discounts without adequate stock or product quality that does not match the advertisement (Fricella. S & Mamonto, 2023; Irawati et al., 2023). Business operators' obligations include providing labels and instructions for use, as well as liability for losses arising from negligence in providing information. In the Grabtoko case, misleading advertising practices occurred when the website www.grabtoko.com promoted electronic products that were not actually available as promised, thereby violating both articles (Mahkamah Agung, 2021).

Government Regulation No. 80 of 2019 concerning Electronic System Trading (PP No. 80 of 2019) expands the responsibilities of electronic system operators. Article 5 requires operators to provide clear information about the name, address, and identity of the party offering goods/services, as well as the complaint handling mechanism. Article 7 requires operators to implement a reliable, secure, and accountable system, as well as to verify business actors before allowing sales activities. Article 17 emphasizes that operators are responsible for consumer losses if they do not carry out these obligations (Republik Indonesia, 2019). In the case of Grabtoko, the platform did not adequately verify the credibility of sellers, thereby facilitating misleading advertisements without filters or audits, and creating

a significant gap between the provisions of PP No. 80 of 2019 and actual practice (Mahkamah Agung, 2021).

Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) criminalizes the dissemination of false or misleading information that can harm consumers. Article 28 paragraph 1 states that anyone who deliberately and without rights distributes electronic information containing false and misleading news can be punished with imprisonment of up to six years or a fine of up to Rp 1 billion (Aulia et al., 2025). The elements of intent and knowledge that the information is false must be proven in court. In the Grabtoko case, prosecutors accused the founder of deliberately designing advertisements to attract consumers without any intention of fulfilling deliveries (Mahkamah Agung, 2021). However, the challenge of proving the subjective intent and knowledge of the suspect is often an obstacle, requiring in-depth legal analysis of digital evidence and internal company communications.

Although the Consumer Protection Law, Government Regulation No. 80 of 2019, and the Electronic Information and Transactions Law have established a strong framework for protection, its implementation in the field remains concerning. First, coordination between supervisory agencies, such as the Indonesian Consumers Foundation (*Yayasan Lembaga Konsumen Indonesia/YLKI*), the Criminal Investigation Unit (*Badan Reserse Kriminal/Bareskrim*) of the Indonesian National Police, and the Business Competition Supervisory Commission (*Komisi Pengawas Persaingan Usaha/KPPU*) is often fragmented, resulting in overlapping and slow enforcement processes. Second, law enforcement officials are often limited to analyzing physical evidence, while digital evidence in the form of advertising metadata and transaction logs is not always easily accessible. Third, consumers tend to be reluctant to report violations due to lengthy bureaucratic procedures and the lack of guarantees for compensation. This discrepancy between norms and practice is clearly evident in the Grabtoko case, where the platform operated for several months before the victims filed their reports, and the initial response was largely reactive.

Furthermore, the licensing and verification system for electronic system operators is not yet supported by adequate digital forensic technology. Marketplace operators still rely on manual documents and simple Identity Card (*Kartu Tanda Penduduk/KTP*) verification, without the implementation of robust electronic Know Your Customer (e-KYC) procedures (Ghozi, 2022). This makes it easier for fraudsters such as Grabtoko to deceive platforms and avoid early detection. In addition, administrative sanctions for negligent platforms are often not followed by periodic audits or significant fines, so the deterrent effect is not optimal (Kadir et al., 2025). The gap between the criminal sanctions stipulated in the ITE Law and the preventive measures taken by platforms shows that the enforcement of norms is more reactive than proactive (Bintarawati, 2022; Subagyo et al., 2024). Therefore, synergistic policies are needed to close legal loopholes and increase the accountability of all parties.

3.3. Evaluation of the Investigation and Prosecution Process

The investigation into the Grabtoko case began with a police report filed by aggrieved consumers, which the Indonesian National Police Criminal Investigation Unit followed up with an Investigation Order. The initial stage involved gathering electronic evidence, such as digital advertising archives, payment transactions, and metadata from the Grabtoko website server. The investigation team then summoned witnesses, including victims and digital forensic experts, to strengthen the elements of intent and loss. Next, evidence was seized, including computers, cell phones, SIM cards, and printed advertising documents. All of this evidence was processed at the Indonesian National Police Headquarters' forensic laboratory to verify the authenticity of the data (Mahkamah Agung, 2021). This procedure was carried out in accordance with Law Number 8 of 1981 concerning Criminal Procedure Law or the Criminal Procedure Code (*Kitab Undang-Undang Hukum Pidana/KUHAP*), but it took a long time, especially at the digital validation stage, so that the suspects were only named after sufficient evidence had been gathered.

In digital investigations such as this, investigators face difficulties in authenticating digital evidence. Screenshots of advertisements can be falsified or their metadata altered, requiring special forensic expertise to ensure their integrity. In addition, evidence of transactions through foreign payment gateways raises cross-border domain complexities, as server data may be stored outside

Indonesian jurisdiction (Mahkamah Agung, 2021). This slows down requests for information from foreign service providers and raises legal issues regarding Mutual Legal Assistance (MLA) (Prawira & Alamsyah, 2023). Legally, proving the perpetrator's malicious intent (*mens rea*) is also difficult if no internal documents indicating intent are found (Beecher-Monas & Garcia-Rill, 2017; Jacobsen, 2024). All of these obstacles test the capacity of the Indonesian National Police's Criminal Investigation Unit to combine technical aspects of digital forensics with formal legal procedures, resulting in several delays in the investigation process.

The Public Prosecutor (*Jaksa Penuntut Umum*/JPU) designed a prosecution strategy by diversifying the articles charged to strengthen the indictment. In addition to Article 28 paragraph 1 of the ITE Law (Dzuhriyan et al., 2025; Kiky, 2025), the JPU also charged the perpetrator under Articles 8 and 9 of the Consumer Protection Law (prohibition of misleading advertising) (Fricella. S & Mamonto, 2023; Irawati et al., 2023), as well as Article 55 of the Criminal Code (multiple criminal acts) (Santoso, 2020; Sitorus et al., 2025). The JPU's argument focused on the elements of intent and material loss to consumers, presenting digital forensic experts and victim witnesses to strengthen the evidence. The JPU also included data on total losses of Rp 17 billion as an aggravating factor, demanding a sentence above the average for ITE cases (Mahkamah Agung, 2021). This diversification effort aims to anticipate the possibility of an acquittal on one of the charges while maintaining the integrity of the indictment through alternative charges, so that a criminal verdict can still be handed down even if one of the charges is found to be unproven.

Internationally, institutions such as the Organisation for Economic Co-operation and Development (OECD) and the US Federal Trade Commission (FTC) implement best practices in handling misleading advertisements (Taak et al., 2024). The OECD recommends the use of Digital Service Coordinators to accelerate cross-border coordination, as well as the adoption of e-KYC standards for business entity verification. Meanwhile, the FTC implements Advance Notice of Proposed Rulemaking to update digital advertising guidelines and strengthens cooperation with marketplace platforms through the Follow the Money Initiative, which traces payment flows. In the European Union, the Digital Services Act (DSA) requires platforms to implement a "trusted flagger" system for early detection of misleading content (Campbell & Grimm, 2019; Ghazi, 2022; Lawrence, 2021; Nannini et al., 2025). The implementation of these best practices shows that proactive enforcement, rather than merely reactive enforcement using digital forensic technology, international coordination, and strict verification standards, can close legal loopholes and reduce investigation time (Neole, 2024). Indonesia can adapt some of these elements to strengthen the capacity of the Criminal Investigation Unit and the effectiveness of prosecutions.

3.4. Juridical Review of Court Decisions

The judge in Decision Number 465/Pid.Sus/2021/PN JKT SEL emphasized that the main motivation for the decision was to protect consumer rights from misleading commercial practices. In the legal considerations section, the judge presented a series of evidentiary facts, including screenshots of advertisements offering large discounts but with no stock available, as well as documents showing consumer transfers without any goods being delivered. The judge's motivation was greatly influenced by the principle of restorative justice for victims and the vision of strict enforcement of legal norms. In the ruling narrative, the judge emphasized the importance of a deterrent effect to prevent other potential perpetrators from engaging in similar practices (Mahkamah Agung, 2021). This argument was supported by data on the number of victims and the value of losses, which reached billions of rupiah, so that the decision to impose a four-year prison sentence was deemed necessary as a form of proportional maximum punishment.

In interpreting the article, the judge broadly defined the term misleading advertisement to include statements or representations that could give a false impression about the availability, quality, and price of a product. The term digital platform is defined as all electronic media that facilitate transactions, including websites, social media, and third-party applications. Thus, responsibility lies not only with the founder of Grabtoko, but also extends to the electronic system used. The judge distinguished between general promotional information and specific statements that have misleading appeal if not balanced by product realization (Mahkamah Agung, 2021). This interpretation reflects the consistency between the ITE Law, the Consumer Protection Law, and Government Regulation No. 80 of 2019, and emphasizes that legal norms must be able to adapt to the dynamics of digital technology.

This decision is significant in terms of the consistency of the application of norms and clear legal logic, from the description of criminal elements to the application of sanctions. The judge also reinforced the relevance of the facts by citing statements from digital forensic experts and victim testimony to support the perpetrator's *mens rea* (Beecher-Monas & Garcia-Rill, 2017; Jacobsen, 2024). However, there were weaknesses regarding the proof of subjective knowledge. The judge focused more on material losses without exploring Grabtoko's internal documents that could reinforce malicious intent. In terms of precedent, this ruling paves the way for law enforcement and other courts to impose stricter criminal penalties on misleading advertising practices. The implications of this precedent encourage greater harmonization of legislation, strengthen the arguments of public prosecutors, and raise awareness among digital platforms to implement stricter verification measures.

3.5. Implications of Results and Policy Recommendations

The results of this study confirm that digital consumers need to take a proactive role in understanding their rights and obligations when transacting on online marketplaces. Increased awareness can be achieved through ongoing education programs organized by consumer organizations, such as the YLKI, in collaboration with e-commerce platforms to disseminate information on how to recognize misleading advertisements and complaint procedures. In addition, consumers must be given easy access to Online Dispute Resolution (ODR) mechanisms and alternative mediation institutions, so that they do not have to rely solely on lengthy criminal proceedings (Covarrubias & Covarrubias, 2021; Defriza, 2025). Thus, the right to obtain accurate, clear, and honest information, as stipulated in Article 8 of the Consumer Protection Law, can be better guaranteed and reduce the risk of losses experienced by consumers.

Given the gap between norms and practices, several regulatory revisions need to be considered. *First*, the Consumer Protection Law can be updated to add specific provisions on administrative sanctions for businesses proven to have published misleading advertisements, including progressive fines and mandatory publication of verdicts to serve as a deterrent. *Second*, Government Regulation No. 80 of 2019 should include e-KYC-based certification requirements for every seller on the platform, as well as regular audits by independent institutions to ensure compliance with consumer protection standards (Ghozi, 2022). *Third*, the ITE Law, particularly Article 28 paragraph 1, can be strengthened by detailing digital evidence that is admissible in court and establishing more efficient procedures for submitting cross-border evidence, thereby closing loopholes that have been exploited by fraudsters.

In order for law enforcement to be more effective, law enforcement officials, including police, prosecutors, and judges, need to be equipped with specialized digital forensics training, including metadata verification techniques, ad traceback, and transaction log analysis. In addition, an inter-agency coordination center is needed, such as a task force between the Criminal Investigation Unit of the Indonesian National Police, the YLKI, and the Financial Services Authority (*Otoritas Jasa Keuangan/OJK*) to facilitate data exchange and accelerate MLA requests with foreign service providers. The establishment of a special e-commerce cybercrime unit at the Indonesian National Police Headquarters can also accelerate case investigations, while serving as a center of expertise handling cases of misleading advertisements. With improved capacity, the investigation and prosecution processes are expected to be swift and targeted.

This study opens up opportunities for further research on monitoring the effectiveness of court decisions in the medium to long term, including evaluating the ratio of consumer dispute resolutions and the rate of repeat complaints. It is also recommended to conduct a study on consumer perceptions after the verdict, measuring the extent to which severe verdicts, such as in the Grabtoko case, affect trust and purchasing behavior in the marketplace. Comparative research between countries in the Southeast Asian region is also important to see the adaptation of regulations and law enforcement practices that have been successfully implemented. These findings will form the basis of solid empirical data for the formulation of future digital consumer protection policies.

4. Conclusion

This study proves that although Indonesia has a relatively comprehensive legal framework for digital consumer protection, including the Consumer Protection Law, Government Regulation No. 80 of 2019, and the Electronic Information and Transactions Law, normative implementation in the field

still shows a number of significant weaknesses. From the Grabtoko case study, it was evident that the platform operator did not adequately verify the business actor, thereby facilitating misleading advertising practices that harmed nearly a thousand consumers with total losses of IDR 17 billion. The Indonesian National Police Criminal Investigation Unit's investigation process, despite complying with the formal stages of the Criminal Procedure Code, faced technical obstacles in authenticating digital evidence and cross-jurisdictional MLA procedures. The prosecution strategy, which diversified the articles of the Electronic Information and Transactions Law and the Consumer Protection Law, succeeded in proving the perpetrator's intent, but still left room for improvement in proving subjective mens rea. The South Jakarta District Court's decision, with a four-year prison sentence, affirms a broad interpretation of the term "misleading advertising" and the responsibility of digital platforms, while also setting an important precedent for similar law enforcement in the future.

Therefore, more proactive and integrated policy measures are needed, including: regulatory reform with the addition of administrative sanctions in the Consumer Protection Law, e-KYC certification in Government Regulation No. 80 of 2019, and updating digital evidence in the ITE Law. In addition, it is important to strengthen the capacity of law enforcement officials through digital forensics training and the formation of inter-agency task forces, for example between the Criminal Investigation Unit of the Indonesian National Police, the YLKI, and the OJK, or with other agencies, as well as enhancing consumer education programs to increase awareness of misleading advertisements by businesses.

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