DOI: 10.46924/jihk.v7i2.334

Legal Protection for Consumers Against Fake Reviews on E-Commerce Platforms: The Perspective of Consumer Protection Laws

Suharto,[1] Ali Huristak Hartawan Hasibuan,[2*] Yanuriansyah Ar Rasyid[3]

[1, 2*]Universitas Islam Kadiri
[3]Sekolah Tinggi Ilmu Hukum Biak-Papua

Correspondence
Hasibuan, Ali Huristak Hartawan
Fakultas Hukum, Universitas Islam Kadiri-Kediri, Jl. Sersan Suharmadji No. 38, Jl. Sersan Suharmadji No. 38 Manisrenggo, Kecamatan Kota, Kota Kediri-JawaTimur-64128,
Email: alihasibuan@uniska-kediri.ac.id.

How to cite
Suharto, Hasibuan, Ali Huristak Hartawan, Ar Rasyid, Yanuriansyah Legal Protection for Consumers Against Fake Reviews on E-Commerce Platforms: The Perspective of Consumer Protection Laws. (n.d.). *Jurnal Ilmu Hukum Kyadiren* 7 (2) 855-869.
https://doi.org/10.46924/jihk.v7i2.334

Original Article

Abstract

This study aims to analyze regulations related to fake reviews on e-commerce platforms based on consumer protection laws, examine platform policies in preventing fake reviews, and identify obstacles to law enforcement. The method used is normative juridical with a statutory and conceptual approach, using secondary, primary, and tertiary data that are analyzed qualitatively descriptively. The results of the study show that the regulation of fake reviews has been covered in the UUPK and the ITE Law, although it is not explicitly mentioned. Platforms such as Shopee, Tokopedia, and Lazada have prevention policies, but law enforcement is constrained by the burden of proof and low consumer reporting. It is recommended that the government and e-commerce platforms develop automatic detection technology and make it easier for consumers to return goods.

Keywords: *fake Reviews, consumer protection, e-commerce, law enforcement.*

Abstrak

Penelitian ini bertujuan menganalisis regulasi terkait ulasan palsu di platform e-commerce berdasarkan hukum perlindungan konsumen, menelaah kebijakan platform dalam pencegahan ulasan palsu, serta mengidentifikasi hambatan penegakan hukumnya. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan konseptual, menggunakan data sekunder, primer, dan tersier yang dianalisis secara deskriptif kualitatif. Hasil penelitian menunjukkan bahwa pengaturan ulasan palsu telah tercakup dalam UUPK dan UU ITE, meskipun tidak disebutkan secara eksplisit. Platform seperti Shopee, Tokopedia, dan Lazada memiliki kebijakan pencegahan, namun penegakan hukum terkendala beban pembuktian dan rendahnya pelaporan konsumen. Disarankan agar pemerintah dan platform e-commerce mengembangkan teknologi deteksi otomatis serta mempermudah pengembalian barang bagi konsumen.

Kata kunci: *Ulasan palsu, perlindungan konsumen, e-commerce, penegakan hukum.*

1. INTRODUCTION

E-commerce is part of the broader concept of e-business, which encompasses all aspects of online business operations, including logistics, supply chain management, and customer relationship management.[1] On the other hand, e-commerce specifically focuses on transactions involved in buying and selling.[2] E-commerce is a trading activity through modern communication technology that plays a role in market development, supply chain management, and transfer facilities. (El-Ebiary, 2021) It has become an important part of everyday life, enabling consumers to make transactions easily and quickly without time and location restrictions.[3]

E-commerce connects sellers and buyers through digital platforms, creating a broader market and providing opportunities for businesses, especially micro, small, and medium enterprises, to reach more consumers.[4] E-commerce also encompasses various business models, such as business-to-consumer, business-to-business, consumer-to-consumer, and consumer-to-business e-commerce, each with different characteristics and transaction mechanisms.[5] In Indonesia, e-commerce has grown rapidly along with the increasing use of the internet and smartphones. Platforms such as Tokopedia and Shopee have become the primary means for many businesses to market their products.[6] E-commerce facilitates transactions and enables businesses to market more effectively through social media and digital advertising.[7]

E-commerce platforms are digital infrastructure ecosystems that underpin and facilitate modern technology-based economic activities.[8] The presence of e-commerce platforms has contributed positively to business performance by offering consumers convenience and a wide range of alternatives when choosing products.[9]

---

[1] Marko Ovaskainen and Markku Tinnilä, "Megatrends in Electronic Business," *International Journal of E-Entrepreneurship and Innovation* 2, no. 1 (January 1, 2011): 1–15, https://doi.org/10.4018/jeei.2011010101.

[2] N Kuruwitaarachchi et al., "Information Technology Factors Influence the Adoption to Ecommerce in Small and Medium Scale Organizations in Sri Lanka: A Research Agenda," *International Journal of E-Education, e-Business, e-Management and e-Learning* 10, no. 1 (2020): 95–103, https://doi.org/10.17706/ijeeee.2020.10.1.95-103.

[3] Dewi Sulistianingsih, "Perlindungan Hukum Bagi Konsumen Dalam Transaksi E-Commerce Sebagai Tantangan Bisnis Di Era Global," *Jurnal Mercatoria* 16, no. 2 (2023): 119–28, https://doi.org/10.31289/mercatoria.v16i2.8042.

[4] Mukhsin, "Manfaat Penerapan Marketing Online (Menggunakan E-Commerce Dan Media Sosial) Bagi Usaha Mikro, Kecil Dan Menengah (Umkm)," *Teknokom* 2, no. 1 (2019): 1–10, https://doi.org/10.31943/teknokom.v2i1.25.

[5] Mahir Pradana, "Klasifikasi Bisnis E-Commerce Di Indonesia," *MODUS* 27, no. 2 (March 20, 2016): 163, https://doi.org/10.24002/modus.v27i2.554.

[6] Apit Priatna, Arif M Yusuf, and Cindy Apriliani, "Analisis Kualitas Layanan Tokopedia Untuk Mengetahui Kepuasan Pelanggan Menggunakan Metode Service Quality Di Karawang," *E-Bisnis Jurnal Ilmiah Ekonomi Dan Bisnis* 15, no. 2 (2022): 382–92, https://doi.org/10.51903/e-bisnis.v15i2.856.

[7] Risky H Nurhuda and Hendri Irawan, "Penerapan E-Commerce Business to Consumer (B2c) Menggunakan Content Management System Wordpress Studi Kasus Jocysprei," *Idealis Indonesia Journal Information System* 6, no. 1 (2023): 17–26, https://doi.org/10.36080/idealis.v6i1.2987.

[8] Jesica Cristy Tataung Natalia Caroline Gloria Manobi Stevanus Marvi Singal Rumbajan Luke Alfie Nongko Marcello Pieterson Tulong Reyk Pangandaheng, "The Influence of E-Commerce Technology Implementation on Business Development in the Digital Era," *None*, 2024, https://doi.org/10.46799/jsa.v5i11.1772.

[9] Aulia Melani and Rahmad Solling Hamid, "Peran Online Trust, Risk Perception, Delivery Risk Dalam Menentukan Online Purchase Intention Pada IGeneration Yang Menggunakan E-Commerce," *Jesya (Jurnal Ekonomi & Ekonomi Syariah)* 6, no. 1 (2023): 395–407, https://doi.org/10.36778/jesya.v6i1.929.

E-commerce platforms offer a variety of features that support user experience, including advanced recommendation systems and reviews from other consumers,[10] which have been proven to increase consumer interest in purchasing, provide flexibility in choosing products, and increase confidence in online transactions.[11] E-commerce platforms do offer various advantages, such as reduced operational costs, access to global markets, and the ability to perform better data analysis to understand consumer behavior. [12] However, given the nature of online transactions, challenges such as transaction security and consumer protection need to be considered.[13]

E-commerce transactions, which are conducted online without physical interaction, require consumer reviews to build trust between buyers and sellers. Trust is a key element that influences purchasing decisions and consumer loyalty. Consumer reviews serve as a source of information that can reduce uncertainty. This is because consumers cannot see or feel the product before making a purchase, making them vulnerable to transaction risks.[14]Therefore, positive reviews from previous buyers can assure product and service quality, thereby increasing consumer confidence in making transactions. [15]

Consumer reviews have a direct impact on purchasing decisions. Good reviews can encourage consumers to make immediate purchases, while negative reviews can cause them to think twice. [16] Consumers who prefer products with high ratings and positive reviews show that consumer reviews can be a determining factor in the decision-making process[17] Moreover, it proves that positive experiences shared through reviews can increase consumer trust in sellers and their products.[18]

Consumers tendency to choose products with high ratings and positive reviews has encouraged some parties to produce fake positive reviews. Fake positive reviews are reviews written to deceive consumers, where the reviews do not reflect the real experiences of product users. Fake positive reviews are created to improve a product or seller's reputation on e-commerce

---

[10] Didi Riswan, Heri Eko Rahmadi Putra, and Risfan Nazar Saputra, "Pengembangan Sistem Rekomendasi Berbasis Kecerdasan Buatan Untuk Meningkatkan Pengalaman Pengguna Di Platform E-Commerce" 2, no. 3 (2024): 572–80, https://doi.org/10.62712/juktisi.v2i3.145.
[11] Reza Abizar and Ririh Dwiantari, "Pengaruh Foto Produk Dan Online Customer Review Terhadap Minat Beli Di E-Commerce Shopee," *Bandung Conference Series Communication Management* 3, no. 3 (2023): 1061–73, https://doi.org/10.29313/bcscm.v3i3.9619.
[12] Riyanti Teresya, "Literature Review E-Commerce: Profitabilitas, Tekanan Eksternal Dan Kemudahan Pengguna," *Jurnal Ekonomi Manajemen Sistem Informasi* 3, no. 4 (2022): 474–84, https://doi.org/10.31933/jemsi.v3i4.979.
[13] Sulistianingsih, "Perlindungan Hukum Bagi Konsumen Dalam Transaksi E-Commerce Sebagai Tantangan Bisnis Di Era Global."
[14] Dwi Indah Pratiwi, "Menilai Dampak Evaluasi Produk Konsumen Dan Kepercayaan Pada Niat Pembelian Kembali Pada Lingkungan E-Commerce," *E-Jurnal Akuntansi* 29, no. 2 (2019): 522, https://doi.org/10.24843/eja.2019.v29.i02.p03.
[15] Heni Susilowati and Arvi Agustiya, "Peran Online Consumer Review Dan Trust Dalam Keputusan Pembelian Online," *Dinamika Jurnal Manajemen Sosial Ekonomi* 2, no. 1 (2022): 75–82, https://doi.org/10.51903/dinamika.v2i1.143.
[16] Sulistyo Budi Utomo, Eva Andriani, and Erwina Kartika Devi, "Pengaruh Penilaian Produk Dan Testimoni Pelanggan Terhadap Keputusan Pembelian Di Platform E-Commerce Bukalapak Di Indonesia," *Sanskara Ekonomi Dan Kewirausahaan* 2, no. 01 (2023): 26–36, https://doi.org/10.58812/sek.v2i01.271.
[17] Ni Putu Nita Anggraini, Yuniar Adinda Restuningtyas, and Wayan Gde Antok Setiawan Jodi, "Pengaruh Citra Merk, Desain Produk, Dan Online Customer Review Pada Keputusan Pembelian Online," *IDEI: Jurnal Ekonomi & Bisnis* 4, no. 2 (December 8, 2023): 87–96, https://doi.org/10.38076/ideijeb.v4i2.196.
[18] Didik Setyawan et al., "Kepercayaan Sebagai Faktor Penguat Niat Untuk Loyal Pada Toko Online," *Jurnal Ilmu Komputer Dan Bisnis* 13, no. 1 (2022): 210–20, https://doi.org/10.47927/jikb.v13i1.311.

platforms, attracting more buyers. These reviews have become a growing problem and can significantly influence consumer decisions.[19]

The practice of ordering fake positive reviews has emerged as a manipulative strategy that has the potential to undermine the integrity of the digital ecosystem and consumer decision-making. This phenomenon has grown due to the availability of services offered on freelance platforms, which allow individuals or companies to purchase positive reviews according to their needs. Service providers offer various packages on these platforms based on the number of reviews, turnaround time, and authenticity of writing style, making this practice an easily accessible online commodity.[20]

The practice of fake positive reviews is becoming easier to carry out in the digital ecosystem. Sellers or third parties can manipulate reviews, even by forming special companies that provide fake review services.[21] The use of bot accounts also plays an important role in manipulation. Bot accounts, including social and spambots, are used to spread inaccurate information and unreasonably increase the number of positive reviews. Research has identified bot accounts, including sockpuppets, which are often used to post fictitious reviews about products or services.[22]

In Indonesia, several freelance websites provide services for ordering fake positive reviews, including Fastwork (https://fastwork.id/) and Sribu (https://www.sribu.com/id), where service providers promise positive reviews in exchange for a specific fee. Customers can choose from various packages according to their needs, including the number of reviews, the time frame for completion, and the level of authenticity of the writing style to make it appear more natural. These packages show that the practice of manipulating consumer opinions has been commodified into a professional service that is easily accessible online.

Service providers on freelance platforms explicitly claim that fake positive reviews can help improve the ratings of apps and online stores, making them more attractive to new target consumers. They can also cover up or balance out negative reviews, thereby maintaining the digital reputation of an app or online store. This claim clearly shows how the online review mechanism, which should function as an objective instrument for consumer protection, is instead being exploited as a manipulative marketing tool. The phenomenon of fake positive reviews raises critical questions regarding digital business ethics, the validity of marketing practices, and their legal implications in the context of consumer protection and electronic commerce regulations in Indonesia. Based on the introduction, the issues raised include:

---

[19] Muzaki et al., "Building Customer E-Loyalty in Online Marketing," in *Proceedings of the 3rd Asia Pacific International Conference of Management and Business Science (AICMBS 2019)* (Paris, France: Atlantis Press, 2020), https://doi.org/10.2991/aebmr.k.200410.030.
[20] Shabnam Azimi, Kwong Chan, and Alexander Krasnikov, "How Fakes Make It Through: The Role of Review Features Versus Consumer Characteristics," *Journal of Consumer Marketing* 39, no. 5 (2022): 523–37, https://doi.org/10.1108/jcm-04-2021-4597.
[21] Francesco Buccafurri Vincenzo De Angelis, "A Game Theory-Based Approach to Discourage Fake Reviews," *Elsevier BV*, 2021, https://doi.org/https://doi.org/10.1016/j.procs.2021.08.044.
[22] Robert Gorwa and Douglas Guilbeault, "Unpacking the Social Media Bot: A Typology to Guide Research and Policy," *Policy & Internet* 12, no. 2 (2018): 225–48, https://doi.org/10.1002/poi3.184.

1) How are fake reviews regulated on e-commerce platforms under consumer protection law?
2) What are the policies of e-commerce platforms (Shopee, Tokopedia, and Lazada) to prevent fake reviews?
3) What are the problems in enforcing the law against fake reviews that have harmed consumers in e-commerce transactions?

2. RESEARCH METHODOLOGY

The research method used is normative juridical, scientific research aimed at finding the truth based on legal scientific logic from a normative perspective.[23] Two approaches are used, namely the legislation approach and the conceptual approach. The regulatory approach considers all laws and regulations related to the studied legal issues, namely the Law on Consumer Protection and the Law on Electronic Information and Transactions. The conceptual approach draws on theories and perspectives developed in legal science,[24], namely those related to fake reviews on e-commerce platforms. The data used in this study are secondary, primary, and tertiary data. The technique for collecting secondary data in this study is document study, namely, examining legal documents, regulations, books, articles, e-commerce policy documents, and research report data relevant to the research topic. The discussion is processed descriptively and qualitatively.

3. RESULT AND DISCUSSION

3.1. Regulation of Fake Reviews on E-Commerce Platforms in Consumer Protection Law

The rapid development of e-commerce in Indonesia has significantly impacted various aspects, including the economy, industry, and consumer behavior. This growth has been driven by increased internet access and changes in consumer behavior, with consumers shifting to online platforms. The use of e-commerce has experienced a remarkable surge, with Indonesia recorded as one of the largest e-commerce markets in Southeast Asia.[25] This surge has occurred because e-commerce facilitates transactions, increases product availability, and provides consumers with more diverse choices.[26] However, along with this growth, the emergence of fake reviews can undermine consumer trust in e-commerce platforms (Achmad, 2022), ultimately creating uncertainty in electronic transactions and causing financial losses for consumers.[27]

The term "fake review" is not explicitly mentioned in the law, but Indonesia's existing legal and regulatory framework to protect consumers from fake reviews is already in place. Several key articles in Law Number 8 of 1999 concerning Consumer Protection (read; PK Law) and Law Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended several

---

[23] Johnny Ibrahim, *Teori Dan Metode Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2005).
[24] Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta Timur: Prenada Media, 2017).
[25] Christa Ananda Fema et al., "Studi Komparasi Tingkat Konsumsi Masyarakat Melalui E-Commerce Sebelum Dan Sesudah Masa Pandemi COVID-19," *Jurnal Kajian Ilmiah*, 2022, https://doi.org/10.31599/jki.v22i1.951.
[26] Paulus Lucky Tirma Irawan and David Rozando, "Rancang Bangun Sistem E-Commerce Clothing Store Dan Modul Custom Design Lab Terintegrasi," *Smatika Jurnal*, 2020, https://doi.org/10.32664/smatika.v10i02.397.
[27] Kharisma Rafi'ani, "Tinjauan Yuridis Terhadap Perlindungan Konsumen Mengenai Diskon Palsu Dalam Bertransaksi Elektronik," *Sapientia Et Virtus* 8, no. 2 (2023): 261–76, https://doi.org/10.37477/sev.v8i2.436.

times, namely first by the issuance of Law Number 19 of 2016 and second by the issuance of Law Number 1 of 2024 (ITE Law), have provided an important legal basis for regulating fake reviews.

3.1.1. Consumer Protection Law

The PK Law is designed to guarantee legal certainty for consumers, particularly so that they obtain accurate, transparent, and honest information about the products or services offered in the market. One of its basic principles is outlined in Article 4, letter c, which gives consumers the right to accurate, transparent, and honest information about the condition and warranty of goods and services. The rights granted to consumers serve to enable consumers to make rational purchasing decisions and avoid potential losses due to manipulated information, including fake reviews. This provision is reinforced in Article 7, letter b, which requires business actors to provide consumers with accurate, transparent, and honest information. This means that all communication activities, such as online reviews, must also be in accordance with the actual conditions of the product or service, not to deceive consumers.

Furthermore, Article 8 paragraph (1) letter f states that business actors are prohibited from trading goods or services that do not match the descriptions, labels, explanations, advertisements, or promotions made. Suppose reviews are included as promotional tools. In that case, fake reviews automatically violate this article, given that consumers obtain a false perception that can influence their purchasing decisions. In addition, Article 9 paragraph (1) prohibits business actors from offering, promoting, or advertising products incorrectly or as if the product has advantages that do not exist. Thus, disseminating fake reviews that describe products as better than they actually are constitutes a violation of the prohibition on misleading promotions.

Furthermore, Article 10 also explicitly prohibits business actors from making false or misleading statements regarding the price, benefits, conditions, guarantees, and other important aspects of goods or services. Thus, fake reviews containing fictitious or exaggerated claims about the products offered can be categorized as violating this article. Meanwhile, Article 17 paragraph (1) letters a and c emphasize the prohibition for advertising businesses to produce advertisements that deceive consumers or contain incorrect, false, or inaccurate information about goods or services. Suppose fake reviews are used as covert advertising that can deceive consumers. In that case, Article 10 of the PK Law can be used as a basis for legal action against business actors or other parties involved.

The PK Law regulates sanctions in Articles 62 and 63. Any violation of the provisions related to misleading information is subject to a maximum criminal penalty of five years imprisonment or a fine of up to two billion rupiah, as well as additional penalties such as compensation, confiscation of goods, revocation of business licenses, and orders to withdraw goods from circulation.

All provisions in the PK Law are based on the principles and objectives of consumer protection, namely to create a fair and open trading ecosystem and to protect the rights of consumers so that they are not harmed by false or misleading information thus, even though the Consumer Protection Law does not explicitly mention the term “fake reviews,” the spirit of protecting the truthfulness of information is clearly regulated through these articles and can be used as a legal instrument to prosecute perpetrators who create or disseminate fake reviews on digital platforms or e-commerce sites.

3.1.2. ITE Law

Starting with Law No. 11 of 2008, the ITE Law emphasizes that all electronic information or documents are considered valid and equivalent to physical documents. Hence, sanctions for digital information manipulation also apply to online transactions and e-commerce. One particularly relevant article is Article 28, paragraph (1), which prohibits anyone from deliberately and without right spreading false and misleading news that could cause consumer losses in electronic transactions. In practice, false reviews that mislead potential buyers and cause material losses can be subject to sanctions under this article. This shows that consumer protection has been a concern since the early formulation of electronic transaction regulations.

In addition to prohibiting the dissemination of false information, the ITE Law regulates electronic data manipulation more specifically through Article 35. Article 35 of the ITE Law states that any act of manipulation, creation, alteration, deletion, or destruction of electronic information/electronic documents to make the data appear authentic is punishable by law. In e-commerce practice, fake reviews are often composed and designed to look like genuine reviews from buyers. Creating fake reviews clearly falls under the category of electronic data manipulation as referred to in the ITE Law. Thus, perpetrators who create or provide fake review services can be subject to criminal sanctions if they are proven to have systematically designed, altered, or fabricated reviews.

The first amendment to the ITE Law, as stipulated in Law No. 19 of 2016, aims to strengthen legal protection and certainty for consumers and business actors. The addition and adjustment of explanations of several articles in this amendment emphasize the importance of more ethical, intelligent, and secure digital transaction governance. Although it does not change the mechanism or expand the explicit provisions regarding fake reviews, the 2016 amendment clarifies the legal position of electronic information-based violations, including those related to consumer protection from digital fraud practices.

The amendment through Law No. 1 of 2024 introduces several new norms to maintain a fair and innovative digital ecosystem. One of the new articles relevant to prosecuting fake reviews is Article 28B. Article 28B regulates the prohibition of the manipulation or collection of data/information that misleads consumers in electronic transactions to benefit oneself or others unlawfully. Thus, the illegal status of fake review practices carried out deliberately for business gain or to mislead consumers is now clearer. In addition, Article 28B demonstrates the state's commitment to following and responding to the increasingly sophisticated dynamics of digital crime.

Apart from specific provisions on manipulation and fraud, the amended ITE Law also emphasizes the government's responsibility to maintain a safe and healthy digital ecosystem. Through Article 40A, the government is given the authority to order digital platforms, including e-commerce, to moderate content or take other actions to combat legal violations in the electronic systems they manage. The government's authority is the basis for efforts to prevent and crack down on fake review practices at the platform level, such as removing fake reviews or closing accounts suspected of fraud. With administrative mechanisms, eradicating fake reviews is not solely a matter of criminal proceedings, but also touches on aspects of business governance and user protection more proactively.

The follow-up to Article 40A is Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems, namely in Article 24 paragraphs (1) and (2), which requires Electronic System Trading Business Operators (PPMSE), both domestic and foreign, to ensure that the electronic systems they manage are always secure, reliable, and responsible by providing protection or security for electronic systems, including establishing procedures and systems for the prevention and mitigation of any threats and attacks that could cause disruption, failure, or loss in the operation of these systems.

Article 36, in all three versions of the ITE Law, provides strict sanctions if the acts of falsification, manipulation, or fraud regulated in the previous articles are proven to have caused material and immaterial losses to consumers or other parties. If fake reviews are used to attack or damage the reputation of competitors, for example, by creating fake negative reviews, Article 27 paragraph (3) concerning defamation or libel can be used as an additional legal basis. This indicates that the regulation not only focuses on fake positive reviews that harm consumers, but also on fake negative reviews that damage the reputation of other businesses in the e-commerce realm.

In addition to the above articles, the ITE Law establishes an international legal framework and cross-border jurisdiction regarding cybercrime, considering that electronic transactions and the dissemination of reviews can occur between countries. This means that perpetrators of fake reviews who operate abroad but have an impact on consumers or businesses in Indonesia can still be prosecuted as long as they cause losses within Indonesian jurisdiction. This approach reinforces the national law's readiness to address technological globalization's challenges.

Thus, even though the ITE Law and all its amendments do not explicitly mention the term "fake reviews," the entire legal framework provides a comprehensive scope for prosecuting perpetrators of fake reviews, both through administrative mechanisms at the platform level and through criminal sanctions for fraud, data manipulation, or defamation. Law enforcement only depends on proving that the perpetrator intentionally created or disseminated false reviews, misled others, and caused harm to consumers or other parties.

3.2. E-Commerce Platform Policies to Prevent Fake Reviews (Shopee, Tokopedia, and Lazada)

3.2.1. Shopee's Policy To Prevent Fake Reviews

Shopee has a strict policy against fake reviews, also known as brushing. Brushing is a form of digital fraud that aims to create the image of a successful and trustworthy store when the seller has manipulated sales data.[28] Brushing clearly impacts the integrity of the digital marketplace because it harms consumers and sellers who sell correctly. Various e-commerce platforms have

[28] Vladimir Zwass, "Editors Introduction," *International Journal of Electronic Commerce*, 2023, https://doi.org/10.1080/10864415.2023.2184236.

begun to combat this brushing practice by tightening transaction verification and increasing the financial risks for brushing perpetrators.[29]

Shopee strictly prohibits all forms of brushing without exception, whether carried out by sellers, buyers, or third-party users. The policy governing brushing on the Shopee platform is called the "Anti-Brushing Policy", which essentially prohibits all activities involving falsifying orders and reviews. Shopee prohibits such actions and actively monitors suspicious behavior, such as unusual spikes in orders. These product prices are far from market rates or abnormal purchasing patterns within a specific period. If other users encounter indications of fraud, Shopee provides a special reporting feature through its app and official website so that brushing activities can be immediately investigated. Shopee's entire system is designed to ensure that sales data and reviews on the platform remain authentic and transparent.

The primary purpose of the Anti-Brushing policy is to maintain user trust, create a healthy buying and selling ecosystem, and ensure that buyers can make fair decisions based on genuine reviews. Consumer trust is the primary foundation in ensuring that Shopee remains a trusted and competitive marketplace and prevents adverse effects on other sellers who run their businesses honestly.

Shopee imposes severe penalties for brushing policy violations. Sellers proven to have committed violations will be given penalty points that affect their weekly store performance evaluation, and the type and quantity of points are adjusted according to the level of violation that occurred. Products resulting from brushing actions can be removed from the sales catalog, and the perpetrator's account can even be restricted or permanently blocked as a seller or buyer if they are proven to be involved. Additionally, Shopee will remove any fake reviews related to brushing from the store's data to maintain the authenticity and integrity of all reviews. Shopee also provides an appeal opportunity for users who feel they have been wrongly penalized by submitting a statement and the necessary supporting evidence. Meanwhile, for buyers involved as perpetrators, their accounts will also be restricted, and all reviews from those accounts will be removed from the system.

3.2.2. Tokopedia's Policy Against Fake Reviews

Tokopedia has also established a specific policy regarding customer reviews, which prohibits creating and disseminating fake reviews on its platform. This policy is known as the "Customer Review Policy" and applies to all sellers and customers who interact within the TikTok Shop and Tokopedia ecosystem.

This policy requires that all reviews be authentic, relevant, and based on the customer's experience. Customers with a financial interest or personal relationship with the seller cannot write reviews. Sellers who use services, promotional gifts, or compensation to arrange/fabricate reviews are considered to be in violation. Reviews confusing, misleading, or rife with conflicts of interest, such as hidden promotions, will also be removed from the platform. Violations include reviews made repeatedly by one customer for the same product, using irrelevant content, and including

[29] Hang Wu Yue Liu Minghui Jiang, "The Brushing Game in Online Marketplaces," *International Journal of Electronic Commerce*, 2023, https://doi.org/10.1080/10864415.2023.2184237.

personal data in the review field. Customers are also prohibited from threatening sellers with bad reviews to obtain incentives.

This policy aims to create a healthy, fair, and transparent e-commerce environment. Every valid review can increase the trust of potential buyers and help them make better shopping decisions. In addition, sellers can obtain objective feedback supporting product and service quality improvements.

The penalties imposed for violating customer review policies are stringent and tiered. Sellers proven to have committed violations can receive administrative penalties, such as deleting problematic reviews, restricting access to review features, and temporarily or permanently blocking accounts. Penalties can also include blocking participation in affiliate programs, removing product registration rights, and revoking promotions.

If the violation has a significant impact, such as harming the platform or a third party, the seller's funds may be withheld, and the seller may be required to compensate the injured party. The platform also provides a violation point system where each category of violation is assigned a certain number of points that will be systematically removed after a specific period. However, if a certain threshold is reached, the penalties will be increased, ranging from restrictions on promotional campaigns and loss of privileges to deactivating the seller's account.

In addition to administrative actions, the platform can report the seller to the authorities for criminal or civil law enforcement if the violation is considered very serious. In some cases, the platform deducts the seller's income to be given as compensation for losses incurred by users or other parties. These measures are all taken to maintain the integrity of the review system and create comfort and trust for all parties in the marketplace ecosystem

3.2.3. LAZADA's policy against fake reviews

Lazada also has rules regarding the prohibition of fake reviews on its platform, which are outlined in its "Terms of Use" document. This policy applies to all registered users, sellers, and buyers participating in the Lazada environment, such as product reviews, forums, and chat rooms.

This policy prohibits behavior that manipulates the rating or review system, such as providing fake reviews to increase or decrease a product's rating. This includes the prohibition of using fake identities or providing false information when writing reviews and reporting content improperly for manipulation. Users are also prohibited from allowing, supporting, or instructing others to commit similar acts.

The content of this policy emphasizes that all reviews displayed must be authentic and honest, based on the user's experience. Any manipulative actions, whether by sellers or buyers, violate the platform's principle of transparency. The honesty and authenticity of each review are considered an important foundation of the Lazada ecosystem.

The main objective of this policy is to maintain the platform's integrity and build consumer trust. By prioritizing genuine reviews over manipulated ones, Lazada wants to ensure that all buyers can make decisions based on the real experiences of other users, so that the transaction ecosystem runs transparently and fairly.

If these rules are violated, Lazada may apply various predetermined sanctions, ranging from deleting or hiding violating review content, issuing warnings to users, restricting privileges in using platform features, to permanently freezing or terminating accounts if the violation is considered severe. Enforcing these sanctions aims to protect all parties from being harmed by invalid or manipulative reviews.

3.2.3. Lazada's Policy Against Fake Reviews

Lazada also has rules regarding the prohibition of fake reviews on its platform, which are outlined in its "Terms of Use" document. This policy applies to all registered users, sellers, and buyers participating in the Lazada environment, such as product reviews, forums, and chat rooms.

This policy prohibits behavior that manipulates the rating or review system, such as providing fake reviews to increase or decrease a product's rating. This includes the prohibition of using fake identities or providing false information when writing reviews and reporting content improperly for manipulation. Users are also prohibited from allowing, supporting, or instructing others to commit similar acts.

The content of this policy emphasizes that all reviews displayed must be authentic and honest, based on the user's experience. Any manipulative actions, whether by sellers or buyers, violate the platform's principle of transparency. The honesty and authenticity of each review are considered an important foundation of the Lazada ecosystem.

The main objective of this policy is to maintain the platform's integrity and build consumer trust. By prioritizing genuine reviews over manipulated ones, Lazada wants to ensure that all buyers can make decisions based on the real experiences of other users, so that the transaction ecosystem runs transparently and fairly.

If these rules are violated, Lazada may apply various predetermined sanctions, ranging from deleting or hiding violating review content, issuing warnings to users, restricting privileges in using platform features, to permanently freezing or terminating accounts if the violation is considered severe. Enforcing these sanctions aims to protect all parties from being harmed by invalid or manipulative reviews.

3.3. Problems in Law Enforcement Against Fake Reviews That Have Harmed Consumers in E-Commerce Transactions

The main problem in law enforcement against fake reviews in e-commerce transactions cannot be separated from the central position of consumer reviews in building trust and influencing purchasing decisions. Legal protection through the PK Law and ITE Law has provided guarantees for consumers' rights to obtain accurate, honest, and non-misleading information related to products traded online. The provisions in the PK Law and ITE Law emphasize that fake reviews violate consumers' fundamental rights and create uncertainty in digital transactions.

However, despite regulations and sanctions, the facts show that law enforcement still faces many obstacles. The results of the questionnaire show that most consumers pay close attention to reviews before deciding to purchase goods on e-commerce platforms, and consumers also tend to cancel their purchase intentions if they find bad ratings or negative reviews from previous users. This reinforces the existence of reviews as a significant source of trust and uncertainty, so fake reviews can potentially cause significant losses if consumers receive products that do not match the reviews or are even deceived by manipulated ratings.

On the other hand, major e-commerce platforms (e.g., Shopee, Tokopedia, Lazada) have strictly regulated fake reviews and provided administrative mechanisms, ranging from content removal to account closure for violators. Nevertheless, the questionnaire results still show that most consumers have received goods that do not match what was promised. However, many do not return the goods because the return period has expired, the shipping costs are high, or due to time constraints. The survey results indicate the practical limitations of consumer protection mechanisms at the community level, where efforts to seek justice or compensation are often ineffective despite the availability of legal and administrative instruments.

Another crucial issue lies in the process of proving and reporting fake reviews. Not all consumers understand or can distinguish between real and fake reviews, especially if the reviews are made to sound convincing with a natural style or using bot accounts. Law enforcement becomes increasingly complicated because the burden of proof often falls on consumers who feel aggrieved. At the same time, platform providers tend to prioritize administrative measures over longer and more complex criminal or civil proceedings.

In addition, consumers' reluctance to report is also influenced by low digital literacy among the public and the ineffectiveness of complaint channels. Survey data confirms that even after experiencing losses, consumers generally choose not to pursue reporting or counterclaims. This highlights the need for stronger collaboration between the government, platform operators, and public education so that consumer legal protection is not merely normative, but can be accessed and implemented effectively in real cases of digital fraud, such as fake reviews.

Consumers' reluctance to file complaints or return goods when the items received do not match what was promised is consistent with data from interviews with several consumer protection agencies, which stated that, to date, there have been no complaints from consumers regarding fake reviews.

4. CONCLUSION

Legal regulations regarding fake reviews on e-commerce platforms in Indonesia are actually already in place, even though the term is not explicitly mentioned; Through the PK Law and ITE Law and their amendments, businesses are required to provide accurate, transparent, and honest information, including in reviews, with administrative and even criminal penalties for violations such as misleading promotions, electronic manipulation, and even defamation, so that consumers remain protected from digital sabotage in the form of fake reviews. Major e-commerce platforms such as Shopee, Tokopedia, and Lazada have implemented strict policies to prevent and crack down on fake review practices, including systems to detect suspicious activity, restrictions and blocking of perpetrator accounts, and deletion of fake reviews in an effort to maintain the integrity of review data and transparency, to ensure that consumer purchasing decisions are based on accurate and fair information.

Although administrative rules and policies are in place, law enforcement against fake reviews still faces significant obstacles in the field, such as the heavy burden of proof, low digital literacy, consumer reluctance to report, and sophisticated manipulation methods that make detecting fake reviews difficult. As a result, normative legal protection has not been fully and effectively implemented to prevent consumer losses in digital transactions.

REFERENCES

Books

Ibrahim, Johnny. Teori Dan Metode Penelitian Hukum Normatif. (Malang: Bayumedia Publishing, 2005)

Marzuki, Mahmud. Penelitian Hukum: Edisi Revisi. (Jakarta Timur: Prenada Media, 2017)

Journals

Abizar, Reza, and Ririh Dwiantari. "Pengaruh Foto Produk Dan Online Customer Review Terhadap Minat Beli Di E-Commerce Shopee." Bandung Conference Series Communication Management 3, no. 3 (2023): 1061–73. https://doi.org/10.29313/bcscm.v3i3.9619.

Achmad, Lulu Bin Tahir. "Eksistensi E-Commerce Menurut Perspektif Islam." Iltizamat Journal of Economic Sharia Law and Business Studies, 2022. https://doi.org/10.55120/iltizamat.v1i2.628.

Anggraini, Ni Putu Nita, Yuniar Adinda Restuningtyas, and Wayan Gde Antok Setiawan Jodi. "Pengaruh Citra Merk, Desain Produk, Dan Online Customer Review Pada Keputusan Pembelian Online." IDEI: Jurnal Ekonomi & Bisnis 4, no. 2 (December 8, 2023): 87–96. https://doi.org/10.38076/ideijeb.v4i2.196.

Azimi, Shabnam, Kwong Chan, and Alexander Krasnikov. "How Fakes Make It Through: The Role of Review Features Versus Consumer Characteristics." Journal of Consumer Marketing 39, no. 5 (2022): 523–37. https://doi.org/10.1108/jcm-04-2021-4597.

El-Ebiary, Et. al. Yousef A Baker. "Customer Review on Confidence, Readiness and Security in Electronic Commerce." Turkish Journal of Computer and Mathematics Education (Turcomat) 12, no. 10 (2021). https://doi.org/10.17762/turcomat.v12i10.5502.

Fema, Christa Ananda, Nandita Rakhmad, Putri Yasmin E Eberthon Bonda, Diki Ramli, and Agus Maulana. "Studi Komparasi Tingkat Konsumsi Masyarakat Melalui E-Commerce Sebelum Dan Sesudah Masa Pandemi COVID-19." Jurnal Kajian Ilmiah, 2022. https://doi.org/10.31599/jki.v22i1.951.

Gorwa, Robert, and Douglas Guilbeault. "Unpacking the Social Media Bot: A Typology to Guide Research and Policy." Policy & Internet 12, no. 2 (2018): 225–48. https://doi.org/10.1002/poi3.184.

Ibrahim, Johnny. Teori Dan Metode Penelitian Hukum Normatif. Malang: Bayumedia Publishing, 2005.

Irawan, Paulus Lucky Tirma, and David Rozando. "Rancang Bangun Sistem E-Commerce Clothing Store Dan Modul Custom Design Lab Terintegrasi." Smatika Jurnal, 2020. https://doi.org/10.32664/smatika.v10i02.397.

Kuruwitaarachchi, N, Mohd Shukri Ab Yajid, Ali Khatibi, and S M Ferdous Azam. "Information Technology Factors Influence the Adoption to Ecommerce in Small and Medium Scale Organizations in Sri Lanka: A Research Agenda." International Journal of E-Education, e-Business, e-Management and e-Learning 10, no. 1 (2020): 95–103.

https://doi.org/10.17706/ijeeee.2020.10.1.95-103.

Marcello Pieterson Tulong Reyk Pangandaheng, Jesica Cristy Tataung Natalia Caroline Gloria Manobi Stevanus Marvi Singal Rumbajan Luke Alfie Nongko. "The Influence of E-Commerce Technology Implementation on Business Development in the Digital Era." None, 2024. https://doi.org/10.46799/jsa.v5i11.1772.

Marzuki, Mahmud. Penelitian Hukum: Edisi Revisi. Jakarta Timur: Prenada Media, 2017.

Melani, Aulia, and Rahmad Solling Hamid. "Peran Online Trust, Risk Perception, Delivery Risk Dalam Menentukan Online Purchase Intention Pada IGeneration Yang Menggunakan E-Commerce." Jesya (Jurnal Ekonomi & Ekonomi Syariah) 6, no. 1 (2023): 395–407. https://doi.org/10.36778/jesya.v6i1.929.

Mukhsin. "Manfaat Penerapan Marketing Online (Menggunakan E-Commerce Dan Media Sosial) Bagi Usaha Mikro, Kecil Dan Menengah (Umkm)." Teknokom 2, no. 1 (2019): 1–10. https://doi.org/10.31943/teknokom.v2i1.25.

Muzaki, Syamsul Bachr, Rosida P. Ada, and Wahyuningsih. "Building Customer E-Loyalty in Online Marketing." In Proceedings of the 3rd Asia Pacific International Conference of Management and Business Science (AICMBS 2019). Paris, France: Atlantis Press, 2020. https://doi.org/10.2991/aebmr.k.200410.030.

Nurhuda, Risky H, and Hendri Irawan. "Penerapan E-Commerce Business to Consumer (B2c) Menggunakan Content Management System Wordpress Studi Kasus Jocysprei." Idealis Indonesia Journal Information System 6, no. 1 (2023): 17–26. https://doi.org/10.36080/idealis.v6i1.2987.

Ovaskainen, Marko, and Markku Tinnilä. "Megatrends in Electronic Business." International Journal of E-Entrepreneurship and Innovation 2, no. 1 (January 1, 2011): 1–15. https://doi.org/10.4018/jeei.2011010101.

Pradana, Mahir. "Klasifikasi Bisnis E-Commerce Di Indonesia." MODUS 27, no. 2 (March 20, 2016): 163. https://doi.org/10.24002/modus.v27i2.554.

Pratiwi, Dwi Indah. "Menilai Dampak Evaluasi Produk Konsumen Dan Kepercayaan Pada Niat Pembelian Kembali Pada Lingkungan E-Commerce." E-Jurnal Akuntansi 29, no. 2 (2019): 522. https://doi.org/10.24843/eja.2019.v29.i02.p03.

Priatna, Apit, Arif M Yusuf, and Cindy Apriliani. "Analisis Kualitas Layanan Tokopedia Untuk Mengetahui Kepuasan Pelanggan Menggunakan Metode Service Quality Di Karawang." E-Bisnis Jurnal Ilmiah Ekonomi Dan Bisnis 15, no. 2 (2022): 382–92. https://doi.org/10.51903/e-bisnis.v15i2.856.

Rafi'ani, Kharisma. "Tinjauan Yuridis Terhadap Perlindungan Konsumen Mengenai Diskon Palsu Dalam Bertransaksi Elektronik." Sapientia Et Virtus 8, no. 2 (2023): 261–76. https://doi.org/10.37477/sev.v8i2.436.

Riswan, Didi, Heri Eko Rahmadi Putra, and Risfan Nazar Saputra. "Pengembangan Sistem Rekomendasi Berbasis Kecerdasan Buatan Untuk Meningkatkan Pengalaman Pengguna Di Platform E-Commerce" 2, no. 3 (2024): 572–80. https://doi.org/10.62712/juktisi.v2i3.145.

Setyawan, Didik, Marianus Advent Nono Pea, Finisha Mahaestri Noor, and Nang Among Budiadi. "Kepercayaan Sebagai Faktor Penguat Niat Untuk Loyal Pada Toko Online." Jurnal Ilmu Komputer Dan Bisnis 13, no. 1 (2022): 210–20. https://doi.org/10.47927/jikb.v13i1.311.

Sulistianingsih, Dewi. "Perlindungan Hukum Bagi Konsumen Dalam Transaksi E-Commerce Sebagai Tantangan Bisnis Di Era Global." Jurnal Mercatoria 16, no. 2 (2023): 119–28. https://doi.org/10.31289/mercatoria.v16i2.8042.

Susilowati, Heni, and Arvi Agustiya. "Peran Online Consumer Review Dan Trust Dalam Keputusan Pembelian Online." Dinamika Jurnal Manajemen Sosial Ekonomi 2, no. 1 (2022): 75–82. https://doi.org/10.51903/dinamika.v2i1.143.

Teresya, Riyanti. "Literature Review E-Commerce: Profitabilitas, Tekanan Eksternal Dan Kemudahan Pengguna." Jurnal Ekonomi Manajemen Sistem Informasi 3, no. 4 (2022): 474–84. https://doi.org/10.31933/jemsi.v3i4.979.

Utomo, Sulistyo Budi, Eva Andriani, and Erwina Kartika Devi. "Pengaruh Penilaian Produk Dan Testimoni Pelanggan Terhadap Keputusan Pembelian Di Platform E-Commerce Bukalapak Di Indonesia." Sanskara Ekonomi Dan Kewirausahaan 2, no. 01 (2023): 26–36. https://doi.org/10.58812/sek.v2i01.271.

Vincenzo De Angelis, Francesco Buccafurri. "A Game Theory-Based Approach to Discourage Fake Reviews." Elsevier BV, 2021. https://doi.org/https://doi.org/10.1016/j.procs.2021.08.044.

Yue Liu Minghui Jiang, Hang Wu. "The Brushing Game in Online Marketplaces." International Journal of Electronic Commerce, 2023. https://doi.org/10.1080/10864415.2023.2184237.

Zwass, Vladimir. "Editors Introduction." International Journal of Electronic Commerce, 2023. https://doi.org/10.1080/10864415.2023.2184236.