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# Consumer Protection in Indonesian Social Commerce: Comparative Insights from Malaysia and Vietnam

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***ABSTRACT***

*Although, social commerce has developed into one of the main ways that Indonesian, Malaysian or Vietnamese consumers and sellers do business in their digital spaces. Although the social commerce literature continues to expand, it remains a phenomenon that is barely examined as a consumer protection issue. The main objectives of this research are to analyze the adequacy of regulation in the three jurisdictions and make proposals for normative reforms to improve consumer laws in social commerce in Indonesia. This study uses doctrinal legal research with statutory and comparative approaches, supported by progressive law theory and teleological legal reasoning. Results show that institutional enforcement is stronger in Malaysia and Vietnam, as the countries directly enable control through the respective supervisory institutions. This is especially the case with regard to Malaysia, which distinguishes clearly between liability for companies and individuals. Indonesia under-details of many of the operational guardrails essential to social commerce including honest discounting and transparency in pricing information, equitable return/refund responsibility allocation, detailed disclosure requirements and straightforward breach-notification practice. Using the legal transplant analysis feasibility framework, this study proposes that Indonesia should establish a standalone personal data protection authority and draft technical implementing regulations on pricing transparency, refund-cost allocation, disclosure duties and breach-notification procedures. This study analyzes the prevalence of false advertising and consumer deception on social media, through highly niche yet important scholar perspective focused on consumer protection with practical implications for legal scholars and regulating entities alike.*

***Keywords**: Consumer Protection, Data Security, Social Commerce, Transaction Transparency, Comparative Legal Analysis.*

## I. INTRODUCTION

Due to the proliferation of internet usage, many electronic transactions surfaced as a more efficient way for companies to market and sell their products or services directly to consumers through different e-commerce platforms (Muslim et al., 2023). Social commerce is an example of innovation in electronic commerce that combines features with social-media functions (Andani & Indarta, 2023). In Indonesia, social commerce platforms are indeed popular with TikTok Shop being the top rank overall platform among social e-commerce in 2022 (Nurmalasari & Latifah, 2023). The same phenomenon can be observed in Malaysia with the growing popularity of live commerce sales (live-shopping transactions) on social media platforms such as Facebook, Instagram and TikTok, which grew 53 % from 2020 to 2021 (Loh, 2023). Social commerce has gained massive traction in various sectors in Vietnam with social-media platforms being used not only for digital marketing, but also transactions (Trung & Duc, 2024).

The consumer protection problem of fast-growing and becoming popular social commerce needs to be dealt with. In October 2023, Indonesia suspended TikTok Shop due to regulations about online commerce and because the social commerce platform rising rapidly does not have e-commerce licensing. Such policy response to the trend confines social media platforms to be merely promotional, leaving them incapable of handling direct transactional payments that essentially delineate social commerce (C.-W. Lee & Giovanni, 2024). After growing through a period of negotiations and adjustments to its local policy, TikTok Shop was permitted to resume on 12 December 2023 by way of merging its system into Tokopedia (owned by Matahari Mall) which had purchased over the majority shares (75.01%) from the company now owned by ByteDance that owns TikTok. Even though this system successfully worked around the circumvention, Tokopedia has also raised concerns as it underwent a data breach in 2020 that compromised approximately 91 million users (Anindya & Subiyanto, 2025).

So too, the use of social media platforms as a commercial medium in Malaysia have been fraught with numerous trials and tribulations such as frauds. However, it has also made many consumers in problems of finding out product information without clear description and details displayed on the screen (Abdullah, 2025) and therefore are becoming victims of increased fraud rates. One of the steepest concerns relating to online payment process in Vietnam is security and virus. One of the most high-profile consumer-dispute

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cases was Kim Phung versus Di Dong Viet (a leading online electronics distributor) in 2019. Kim Phung ordered an iPhone 12 Pro Max but received a package containing a single brick, and he was denied compensation saying the item had been delivered according to order despite having photographic evidence of purchase (Dung et al., 2021). Indeed, the ascent of social commerce as well as instant meme making aside, these instances all demonstrate the tenuousness inherent in any interactions mediated by digital means—a reality that can often be exacerbated with social commerce.

To take social commerce as an example, especially given that fast-paced development of social commerce together with the general prevalence of e-commerce in itself indicated a mismatch between how e-commerce-oriented regulations should be designed and the extent to which they are able to capture real issues under the e-commerce in umbrella including its highly specific and novel nature in this sense. As an example in Indonesia, the Minister of Trade has issued Regulation Number 31 of 2023 concerning Business Licensing, Advertising, Development, and Supervision of Business Actors in Trading by Electronic Systems (Permendag No. 31 / 2023) which regulates all aspects of social commerce including TikTok Shop operation. While Article 21 paragraph (3) stipulates that they are forbidden from facilitating payment transactions through their electronic system, TikTok Shop transact within its own application and had a separate ecosystem from Tokopedia. From the consumer perspective, the country is regulated by Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law), with its issuance all the way back in a wholly different age of commercial trade characteristics from where most modern developments that are being seen today are still not even fully developed, raising questions about this is capable and adequate to cope with the new social commerce ramifications.

On the other hand, Malaysia has established relatively better consumer-protection regulations (Christiana et al., 2024). Likewise, Vietnam has shown an evolution in its consumer-services regime by introducing new legislation better aligned with global trends (Ha, 2024). Although these are relatively more recent, thus a positive sign of legal adaptation, the developments in Malaysia and Vietnam nonetheless have several shortcomings (Fidhayanti & Umam, 2025; Kadir et al., 2025), particularly when facing social commerce, which itself carries specific legal implications and challenges of enforcement. These issues raise the most fundamental problem that this research aims to resolve, namely digital transformation, which leaves behind developments in Indonesia, which is not compensated by the three major elements of regulation/aspect which results in a regulatory gap with two other countries that also have deficiencies like Malaysia and Vietnam.

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Prior research from Anhar & Kurniawan (2024) explained that TikTok Shop have no official license as social commerce platform so that its presence violates Permendag No. 31 / 2023 and can create legal uncertainty. But note that it was also a narrow study, and a simplified one that excluded the consumer welfare angle—especially since when formal licensing works (or does not), is part of the story about how consumer welfare gets shaped. In a separate study, Andriansyah & Maizaroh (2023) showed existing laws on consumer protection and other digital space regulation failed to protect consumers in social commerce contexts. But the study does not provide the implications of the gaps, how those gaps can be covered. Moreover, consumer-protection issues in Indonesian e-commerce have been established (Rahman et al., 2023), however, this analysis was mainly performed towards general studio of the e-commerce environment, which social commerce appears to decrease and through many elements directly impacting consumer welfare.

Moreover, an analysis (Păuceanu et al., 2023) revealed a need to focus on social commerce (a gradually growing trend in the e-commerce environment), abandoning consumer protection generalized norms in the framework of a wider e-commerce context. Finally, Christiana et al. (2024) conducted an analysis of consumer protection in Indonesia and Malaysia only in terms of general regulations and dispute resolution and, therefore, it did not explore the regulations gap on social commerce aspect. This study has not made a comprehensive treatment of social commerce, which as emphasized by (Păuceanu et al., 2023) had long required distinct and narrow approaches to theoretical and legal analysis in relation to its broader ramifications in many areas—notably consumer protection.

Yet, while this body of literature continues to expand, there remains a persistent gap, particularly as social commerce dynamics pertain to the subfield of consumer protection law: the questions surrounding platform liability allocation, supervisory institution enforcement capacity and adequacy of legal safeguards regarding data security and transaction transparency. Although some of the topics in the highlighted literature on social commerce overlap, these gaps are more than distinct combinations of those topics that cohere into a definition somewhat resembling social commerce; they suggest a greater absence and perhaps an even stronger indication that the topic of social commerce, as such, is very new and not yet fully understood or addressed. Furthermore, the analytical focus of this study on consumer-protection regulation in social commerce around Indonesia, Malaysia and Vietnam is its novelty.

This study conceptualizes through a comparative analysis of consumer-protection measures between these three countries show that Malaysia and Vietnam appear dissimilar to Indonesia in some respects that may

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prove useful. This study also contributes to the literature of social commerce regulation and extends into a specific country context with comparisons between countries through its theoretical perspectives. However, from a practical point of view, this research gives important perspectives directing policymakers to create a better set of responsive regulations that could mitigate issues relating to data security and transaction transparency by enabling the fundamentals of consumer protection.

## II. RESEARCH METHODS

In order to conduct analysis, this research uses the doctrinal legal research method that is implemented through examining regulatory framework and key norms of law. The main purpose of this method is to describe and evaluate the legal norms concerning the subject matter (Disemadi, 2022). The figures of this methodology is selected as the main analytical knife because it supports the central focus of the study, addressing how consumer protection frameworks can accommodate key issues experienced by consumers in arrangements mediated by social commerce platforms. There are two main reasons why Malaysia and Vietnam have been chosen for comparison. First, the three (Indonesia, Malaysia and Vietnam) are member states of ASEAN and they face similar social commerce developments in a rapidly developing regional market for digital economy. The second rational is that Malaysia and Vietnam present clearer institutional and regulatory benchmarks for this study, specifically via centralized supervision structures, more explicit enforcement frameworks, and matured data-protection requirements relative to digital transactions. Supplemented by some approaches like statutory and comparative approaches, the analytical model of this study is grounded in the teleological legal reasoning method. The legal materials are examined not only in terms of literal statutory construing emphasizing semantics, but also in terms of normative adequacy and structural coherence (Clark, 2021) to perform the functional demands of social commerce.

The study utilizes secondary data in the form of primary law sources, which contain binding legal norms and regulations that are considered as primary legal source (Tan, 2021). Among them are several regulatory frameworks from the three countries. This research uses Indonesian legal system on Law No. 8 of 1999 concerning Consumer Protection, Law No. 27 of 2022 concerning Personal Data Protection, Law No. 1 of 2024 as the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions. In terms of Malaysia, the study emphasizes Consumer Protection Act 1999 and Personal Data Protection Act 2010. Finally, in Vietnam, the analysis is conducted on Law on Protection of Consumer Rights No. 59/2010/QH12 and Decree No. 13/2023/NĐ-CP (Personal Data Protection).

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Instrumentations/Systemic data collection were performed through document study. We examine the systematic method of collecting documents and the primary legal sources through which we get insight about certain legal doctrine that directly relates to our research problems. These data are then analyzed with a descriptive qualitative method by treating legal materials as the main objects of analysis to see their ability to accommodate problems related to social commerce transactions. This comparative approach is based on three main comparative variables, institutional architecture of supervisory authorities, statutory allocation of liability and substantive transparency obligations to electronic system operators allowing for a comprehensive evaluation of the regulatory landscape in Indonesia, Malaysia and Vietnam.

## III. RESEARCH RESULTS AND ANALYSIS

### A. Overview of Legal Aspects Related to Social Commerce

Simply put, social commerce can be boiled down to the fact that social media platforms are leveraging their network of users to leverage a higher usability where they now have to branch out from pure social and incorporate areas for e-commerce transactions (Han, 2023). Historically, this has created very quickly but step-wise evolution of the lager e-commerce landscape alongside rapid and wide integration of the digital environments into many activities. It is unnecessarily a drift for social media platforms in some sense to assist commerce, normatively. Indeed, social media was originally designed to bind many people through a wide range of online interactions (Décieux et al., 2019), which certainly in the past involved semi-official commerce practices like cash on delivery meetings between sellers and buyers, informal promotion of goods or services, community-based selling, and direct negotiations via private messages or comment sections (Soule & Hanson, 2018).

Thus, according to this perspective, we can also see the emergence of social commerce as part of a natural evolution for these social media platforms; whether it be an extension of new online marketplace platforms becoming a type of super apps—aggregating all forms of electronic transactions into one environment (Hasselwander, 2024). This relatively unique element of informality produces uncomplicated but difficult legal web that social commerce transactions may entangle parties in, wherein those parties shall be left to prove the nature and subject matter of their agreement by mere documentation from chat records or communications found on a particular platform (Metthania & Dalimunthe, 2022). This development should not be analyzed merely as an advancement of a technology or market from the perspective of technological or commercial basis, but formed in the light of Satjipto Rahardjo's progressive law theory. In other words, it has also to be seen

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on how far law is still able to protect consumers in the new social reality digital transactions produce.

Doctrinally, the basic legal consequences of social commerce should be similar to those of other types of e-commerce, such as that conducted by marketplace platforms, dedicated merchant websites, direct-co-consumer digital payment systems and platform-based delivery or fulfilment services (all involving electronic contracting, consumer-data processing, information disclosure, payment security, and post-transaction redress). Thus, the regulation of social commerce overall should ideally provide for all aspects of consumer protection without exclusions (Aade, 2025). Nor should this no-exception principle be treated lightly—it should be the first pillar of a consumer protection environment for commerce more broadly and for social commerce in particular as with digital systems often becoming opaque, and coupled with elements such as anonymity and information asymmetry, limited transaction traceability which can be exploited to conduct unethical or even illegal behaviors. This conveys the progressive-law idea that consumer rights must be more than just normally acknowledged and should continue to have real value in practice, where there is structural vulnerability for consumers from digital platforms.

Furthermore, the relevant regulatory framework must capture both non-commerce and social commerce activities, where more blurring takes place (Duivenvoorde & Goanta, 2023). Such an express targeting of a normative, thus pre-empting any commercial controversies that see inextricable liabilities typically linking sellers, buyers or those that tout the goods is crucial to foresee. The unambiguous liabilities enable consumers to have an actual path of legal recourse in the event of any unfair adverse impact in relation to the commercial activity that they incidental to as consumers on a social media platform. Connected to this, platform providers must also be able to provide an appropriate and clear/coherent distinction between the layouts involved, especially in relation to the payment methods (Sudirman et al., 2025), because more clarity means better consumer welfare.

In contrast, the consumer protection perspective must evolve by integrating digitally relevant elements that impact the welfare of consumers at large such as data protection (with a link to transaction security and transparency). It is an important new lens because the rapid growth of the digital economy renders personal data protection, security and transparency at risk of penetration by individuals without legal rights to behavioral data collection and processing. Data misuse poses a number of threats, including identity theft and advance-fee fraud, highlighting the need to develop solid regulatory mechanisms that ensure data protection (Aldboush & Ferdous, 2023; Ramadhani et al., 2025). As an example, with respect to the social commerce

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fashion of personal data, any data that might be integrated there (including those from dedicated e-commerce platform like digital wallets (Y. Y. Lee et al., 2023), will be considered. This is because the consumer data act has a multifaceted role not only limited to transaction information but also as a strategic business resource that enhances market power and organizes commercial transactions interface to consumers directly (Setyawati et al., 2024).

Transaction transparency is another critical component of gaining seller trust in the buyer that can be better established in any electronic transaction. That is compounded by the fact that without proper transparency, there are too many information asymmetries which only serve to deepen the even greater asymmetry of power in these cases between consumers and any social commerce seller. This can lead to a violation of consumer rights, which in general increases the level of risk of loss (Ariawan, 2025; Nurlaily et al., 2025). In addition, the contactless context of digital transactions severely restricts consumer's ability to thoroughly assess the availability and legitimacy of the products then are buying, pre-purchase (Musmualim et al., 2024). Hence, the greatest focus is on the value and enforceability of those significant consumer protection principles around these issues as opposed to being checkboxes for compliance—they are inherent issues that have tangibly and actively impacted a consumer's ability to make informed decisions, avoid harm, and receive redress.

E-commerce will continue to develop, and volumes of transaction will grow in pact with it, and new problems will eventually arise. If depicted risks are not rectified in a timely manner, the regulatory lag would become greater, resulting in longer discrepancies between what the propounded, idealized by consumer protection frameworks compared to what it will be able to legally encompass (Greenstein & Zamboni, 2025). Regulatory gap is something that needs to be particularly highlighted here, because simple explanation of what society has turned into and its demand for legal certainty versus the scope in which law can rule and enforce (Ishaq, 2025). A further point to underscore is that the businesses relying on e-commerce platforms business model and big-tech corporations behind many digital platforms are constantly compelled to tightly control legal risks arising from their operations, especially when there is insufficient clarity and legal certainty defining which relevant compliances exist (Griffin, 2025), as it does in the area of social commerce.

To thoroughly study the Indonesian frameworks in regulating consumer welfare in a social commerce dynamic, we must first look at how those frameworks were developed until its current existing structure today. It is part of the most important analytical tools for pinpointing legislative purposes behind the legal construction processes that will subsequently lead to concrete regulatory frameworks. More significantly, it can also serve to establish a

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clearer picture of the manner in which legal apparatus evolves from these changes which will help catch glimpses into how specific jurisdictions react to transitions within the e-commerce sector, particularly with respect to safeguarding consumer interests and welfare.

Since social arrangements for commercial transactions hinge on interactive elements of the medium throughout with legal analysis conducted using any doctrine that identifies the basic care governance function by way of regulation points (Whindari et al., 2024).

Thus, the main sources of law also consist of regulatory frameworks governing some comprehensive legal frameworks with foundational normative structures over several facets of digital platforms, such as interactions, conducts, communication, transparency and multimedia. Everyone is well aware that the respective regulatory frameworks are already enriched with strong legal norms related directly or indirectly to most of the e-commerce elements; however, they should be analyzed in conjunction with other specific regulatory frameworks that primarily provide walls of compliance specifically for e-commerce and consumer protection. With this structured mapping, the analytical framework can holistically address the myriads of issues that arise from social commerce, while still aligned to larger regulatory harmony.

Each jurisdiction of Indonesia, Malaysia, and Vietnam uses a different legal and institutional mechanism to regulate these concerns.

**1. Indonesia**

Our understanding of Indonesia's regulatory environment on this subject matter is a minefield that takes learning how to properly treat so they can coexist in harmony. Out of this rather complex landscape, the study highlights a few primary law sources: Law No. 8 of 1999 on Consumer Protection (Consumer Protection Law), Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (EIT framework), and Law No. 27 of 2022 on Personal Data Protection (PDP Law). Based on Articles 4(c), 7(a), 7(b), 8, 9, and 10, the Consumer Protection Law provides consumers with the right to obtain truthful, accurate, clear and honest information as well as requiring business actors to act fairly such that no acts harming consumers may be performed (Prayuti, 2024). The EIT Law is comprehensive, indeed, it covers many aspects of life that also could be related to the digital realm including personal data protection by its articles 15(1)-(2), 16(1)(a)-(b), and 26(1) requiring electronic system providers to collect consumer data, process it and store it safely, but ultimately protects this type of privacy (Ardika, 2025). Specifically in the context of data protection and privacy, Indonesia has been dependent on PDP Law that establishes concrete requirements for data controllers to ensure lawful, transparent, and secure processing of

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personal data under Articles 20(1), 27, 35, 36, 39, and 46 (Anggraini & Wiraguna, 2025). These are the three laws that provide a framework of consumer online protection laws.

2. **Malaysia**

In Malaysia, the manifestation of this analysis is analyzed against a number of regulations in consumer protection area directly and indirectly affecting, that are the Consumer Protection Act 1999 (CPA 1999) and the Personal Data Protection Act 2010 (PDPA 2010). The structure of CPA 1999 is comprised of six dominant domains: sale and supply of goods and services, quality, price, safety, and dispute resolution (Sofiana et al., 2021), in which consumer rights are paramount over any contractual terms to the contrary (Ghapa & Kadir, 2021). While the PDPA 2010 regulates the processing of personal data in order for it to be carried out with adequate legality, transparency and security. The framework also establishes various requirements like breach notification and appointing a Data Protection Officer (Ali et al., 2025). While the PDPA 2010 does not directly address consumer protection, it is closely aligned to consumer welfare, especially in light of the growing importance of consumer data in today's e-commerce environment.

3. **Vietnam**

The study also benefits by using two important sources of primary law from the Vietnamese legal system, which are Law No. 59/2010/QH12 on Protection of Consumer Rights and Decree No. 13/2023/ND-CP on Personal Data Protection. The Law on Protection of Consumer Rights protects consumers by ensuring their right to truthful and timely-accessible information with an explicit ban on misleading advertising or representations (Diep & Huy, 2022). The protection of consumer data in the country is driven by Decree No. 13/2023, which establishes fundamental personal data protection provisions mostly through several core legal norms on data protection including lawful, limited and secure processing of data, the mandatory communication of data breaches and a designed authority for data protection (Anh et al., 2024). Primary personal data protection regulation akin to the two preceding countries, Vietnam's personal data protection regulation is also considered as law governing along with consumer protection regime even though a completely separate legal domain.

In addition to pointing out the most relevant regulatory frameworks under assessment, it is also important to outline the comparative parameters of the analysis. So, in order for the doctrinal legal method to be consistent with the teleological legal reasoning, there must be a specific set of comparative criteria.

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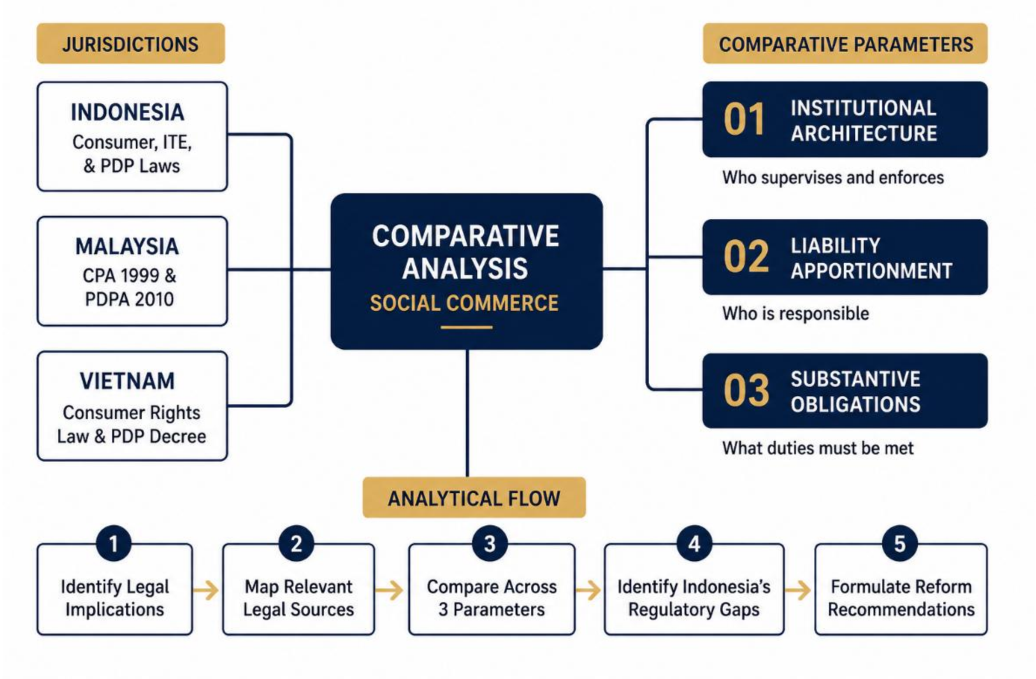
With a bounded set of comparative parameters, the doctrinal analysis can unfold through such a relatively more coherent comparative lens and direct the study to certain normative patterns. Following is the mind map of the comparative criteria and analytical structure in doctrinal-comparative analysis, by reference to the primary sources of law introduced earlier.

**Figure 1**. Social Commerce in Indonesia, Malaysia, and Vietnam; Regulatory Assessment: Mind Map




**Source**: Researchers' analysis

The above illustrated mind map represents, as a primary function of the doctrinal-comparative analysis, an important analytical framework in setting out certain regulatory frameworks that assess characteristics or perspectives of immaterial rights. This mind map is based on the central goal of extending the legal aspects already mentioned in this subsection, and adds this as a crucial additional point to supplement the Black-Letter Law-styled analysis, which goes along with teleological legal reasoning. The analysis ideally is less about whether consumer protection in social commerce or some adequate proxy of it, is expressly recognized within the relevant framework and more so whether there was adequate institutional capacity to supervise along with sufficiently substantive transparency and security obligations that can unmistakably be grounded in liability.

## B. Transnational Analysis of Data Security and Transaction Transparency on Social Commerce Platforms in Indonesia: A Regulatory Gap

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In Indonesia, Malaysia, and Vietnam, consumer protection frameworks have been developed to answer to the necessity of legal certainty in an economy where the commercial transactions are influenced through not only economic factors but also through fast-advancing technology (Najati & Mashdurohatun, 2024). Existing laws have already addressed consumer protection, along with the sale of electronic transactions and personal data, but as a result of the speed at which developments occur and their legal implications following these activities, clearest examples highlight fragmented regulation with insufficiencies defining how relevant issues might be captured by the nation's regulatory framework in terms of social commerce dynamics (Whindari et al., 2024). The country's legal system has often appeared inadequate, in particularly because of a lack of clarity surrounding key aspects such as technical standards for data security and transactional transparency in many kinds of digital platform. The added complexity of these two important aspects of social commerce transactions to the regulatory landscape makes a doctrinal-comparative survey on these gaps necessary in order to understand whether the identified Indonesian legal frameworks could holistically provide consumer protection compared to social commerce.

**1. Separation of Corporate and Individual Sanctions in Malaysia**

The reserved provision relating to the bankruptcy of consumers and corporates – as opposed to individual traders – was laid out in Malaysia's Consumer Protection Act 1999 *(CPA)* as well as by Setiyono (2021). We can observe this by looking at the significant differences between the sanctions imposed on corporations, as opposed to those imposed on individuals (Trakic, 2015). Article 145 of the CPA states that natural persons may receive either a fine or imprisonment, whereas legal entities can be penalized only by monetary penalties—and they tend to be higher in size. Besides this, Article 143 also lays down that corporate officers shall be criminally liable if the offense was committed with their consent or connivance or due to their negligence on their part.

**2. Personal Data Protection Authority (JPDP) in Malaysia**

In contrast, Malaysia has a dedicated supervisory body, instituting the Department of Personal Data Protection (JPDP), which is in line for this critical purpose as regulatory and enforcement authority under the provision of *Personal Data Protection Act 2010 (PDPA)* (Zhao et al., 2025), while there currently is no similar obligatory Supervisory Body on data protection issues in Indonesia. The JPDP supervises compliance, investigates breaches and enforces statutory obligations and rights granted to individual in relation to their personal data (Hamin et al., 2025). Even more importantly, this government body is solely liable to ensure enactment of the legal standard from PDPA that commands Data Protection

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Officer (DPO) appointment. In addition to these supervisory roles, the government body serves as an institution that safeguards the rights of data subjects in the digital ecosystem by collaborating with relevant data controllers inside and outside of its operational jurisdiction, and ensuring that they are able and competent in securing consumer data protection and privacy. In contrast, this is a sign of Malaysia's more sophisticated normative architecture in which the commitment to safeguard consumer data through an open, flexible and self-updating framework has been fully mobilized (Hariana et al., 2025).

3. **Working of the Ministry of Public Security (MOPS) in Vietnam**

With respect to data protection, Vietnam's new legal regime—Decree No. 13/2023/NĐ-CP on Personal Data Protection—is released on April 17, 2023 (Hang, 2024). The framework aligns the country with the arguably highest standard for data protection, which is known globally and commonly referred to as the European Union's General Data Protection Regulation (GDPR). In addition to providing greater legal transparency regarding individual data rights in the digital age (Lâm, 2024), the framework also directly implements through and enforces nationalization using the Ministry of Public Security's (MOPS) power. This is a specific authority that has a requirement to develop policy, ensure compliance and enforce data protection regulations (Huynh, 2024).

Vietnam also guarantees an infrastructure of authority with the MOPS delegating oversight and enforcement functions to the Department of Cybersecurity and Hi-Tech Crime Prevention (A05) within the country. This micro department is responsible for overseeing data-processing activities, responding to cybersecurity incidents, and ensuring compliance with the legal requirements of protecting data (Ha & Vu, 2024). Such duties are provided for normatively from responsibilities of MOPS in Article 32 of Decree No. 13/2023/NĐ-CP below:

a. Supporting governments to streamline national governance in the domain of personal data protection;
b. Providing guidance and legal protections for personal data, protecting the rights of data subjects against unlawful infringement, and proposing standards for protection and policy recommendations in this area;
c. Developing, administering and maintaining the National Portal on Personal Data Protection;
d. Assessing how entities, organizations or individuals are implementing the data protection measures;
e. Receiving the documentation and information regarding data protection as required by the decree;

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f. Fostering innovation, research, and international cooperation to promote personal data protection; and
g. Conducting inspections, resolving complaints and grievances, and enforcing penalties for failure to comply with the provisions of law.

This structure signals even more meaningful kind of operationalization for implementation and enforcement, while also widening the adequacy gap of regulations between Indonesia and both countries. In Indonesia, this has also led to fragmentation of the regulatory landscape in terms of without a proper operationalization (for example through the institutionalization of a domain over which there is some form of empowerment and accountability deriving from an established supervisory body—like that for Malaysia and Vietnam). Considerable elements like institutional oversight, delineated legal responsibilities and liabilities along with augmented enforcement capacity should become the impetus for urgency towards a legal reform as the nation grapples better balance consumer interests through stronger legal protections in the face of accelerating social commerce.

Even more crucially, the distinction of sanctions for corporate entities and individuals under Malaysia's legal framework can be seen as a positive evidence of progress towards justice and proportionality in legal enforcement (Najati & Mashdurohatun, 2024). This mechanism, stemming from the belief that corporate actors generally have far more latitude to exercise economic and social power than individual offenders do (Suryandari, 2022), is central for inducing social media platforms to implement features of commercial monitoring and consumer protection assistance about data and transparency issues if they move forward into social commerce. This seems in line with the phenomenon that corporate wrongdoing related to data protection and transparency has documented massive harms through, for example large-scale data breaches or manipulations of information affecting millions of users (Ho et al., 2023). Consequently, it is just and effective to impose more severe sanctions on legal entities than on individuals for the purpose of deterrence.

In contrast, the absence of this legal norm in Indonesia's regulatory authorities often leads to enforcement that is disproportionate to the scale of harm. Since this is a country of codified laws, there might also be issues on the consistent adjudication of cases that may leave some corporations feeling disenfranchised at an unequal competitive pressure and regulatory uncertainty (Khan, 2025), which plays big in how these legal risks are perceived and managed under such type of legal environment. Lastly, principle of distributive justice should also be pointed out, as this is a way forward for Indonesia to pursue a proper balance between personal and corporate accountability in consumer protection, in relation to their size of operation.

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Issues with the effectiveness of oversight and enforcement in the area of data security (Widjaja & Cesarianti, 2024) have taken place for quite some time. Currently, supervisory duties are conducted by the Ministry of Communication and Digital Affairs (Komdigi) through its Directorate General of Informatics Applications (Anggriani et al., 2025). Even if Article 58 of Law No. 27 of 2022 on Personal Data Protection (PDP Law) requires the establishment of an independent supervisory authority, this provision has been applied as it requires further regulation in government regulation. Consequently, mechanisms for monitoring and public complaints stay nascent and unfit (Mariyam et al., 2025; Matheus & Gunadi, 2024).

Possibly less frequently seen as a potential consequence that this gap may pose is the absence of supervisory body and how it can compromise the future development of legality regarding the quick reaction time, which a legal system will need to have in order to adequately respond to innovative gaps within an identified area. Other than indicating a possible contribution to the difficulties of cooperation between government and many companies, such as no regulatory sandbox relating mainly to PDP Law trouble (Sihombing, 2025), supervisory body could provide essential crucial data and paperwork in relation to both data protection officers (DPOs) and main corporate bodies' points where they suffer in legal risk management, standards on specific cases that reoccur, how certain methods have threatened core strategies because it allows corporations ways around sanctions. For direct example of this stifled speed of legal development, one could take the fact that there is no implementing regulation enacted for the PDP yet therefore, Indonesia would be able to comprehensively cover more technical parts regarding consumer data protection and transaction transparency.

## C. Solutions for Operationalizing Consumer Protection and Enhancing Regulatory Capture of Social Commerce Dynamics

First, it is important to recognize that Indonesia has a relatively strong legal foundation for consumer protection through the Consumer Protection Law, the PDP Law, and the EIT Law. However, these legal instruments have not fully addressed the new challenges created by the digital economy, especially those arising from social commerce. The Consumer Protection Law, in particular, was drafted long before social commerce emerged and has often been considered insufficient to accommodate the complexities of modern digital transactions (Wahyuningsih, 2023). This legal gap creates practical difficulties in implementation and enforcement for both consumers and business actors (Novita & Santoso, 2021), as they are often forced to rely on broad legal norms to manage legal risks that are highly specific, technical, and constantly evolving. These challenges are also closely connected to data-related

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issues, as data breaches, online fraud, and low consumer awareness of digital rights continue to affect consumer welfare and weaken the enforcement of relevant frameworks (Asmadi et al., 2024; Bintarawati & Rismana, 2024).

Specific aspects of e-commerce transactions are still not adequately regulated under Indonesia's Consumer Protection Law (Dzuhriyan et al., 2025). One example can be found in Article 9 (1)(a), which prohibits deceptive advertising that misleads consumers into believing that a product is being offered at a discount when it is not (Darnia et al., 2024). Although this provision already exists, its enforcement has not been fully operationalized, as shown by the continued prevalence of exaggerated discounts across many e-commerce platforms (Fadhilla et al., 2024). A similar problem appears in refund mechanism. Even where refund guarantees are offered, consumers are often still required to bear shipping costs when the product they receive is defective or inconsistent with the seller's descriptions (Tiara & Sholihah, 2023). These problems are technical in nature, which further shows that a highly generalized legal framework is no longer sufficient for today's commercial environment (Novita & Santoso, 2021). As with the issue of consumer data protection, weak supervision remains one of the most urgent problems requiring legal reform. This is especially important in social commerce, where the boundaries between social media activity and commercial transactions are increasingly blurred.

This study therefore recommends that Indonesia reform its current normative structure on consumer protection by adopting approach of distinguishing sanctions for individuals and corporations. This distinction is important because sanctions should reflect the scale and seriousness of harm caused to consumers. In the case of corporations, the potential harm is often broader than that caused by individual sellers or small business actors (Christiana et al., 2024). This issue also overlaps with consumer data protection, as social media platforms entering the social commerce sector already possess large user base, thereby increasing the potential scale of consumer-related harm (Saha & Anwar, 2024). In addition, the absence of a dedicated supervisory body continues to weaken oversight and complicate consumer complaint procedures ('Aisy et al., 2025; Kurniawan et al., 2024). For this reason, Indonesia should urgently establish a supervisory institution which a clear legal basis, particularly to address consumer data issues and broader consumer protection concerns. Such institutional development has already been introduced in Malaysia and appears in an even more advanced form in Vietnam.

While these recommendations are presented with a strong sense of urgency, they should not be understood as direct copies of the Malaysian and Vietnamese legal systems, especially when viewed through the lens of legal transplant theory. Rather, these jurisdictions should be treated as reference points for identifying which regulatory mechanisms may be suitable for

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adaptation within Indonesia's legal system. This approach is consistent with the view that legal transplantation does not take place in a legal-cultural vacuum. Instead, it supports a more pragmatic model of legal adaptions, requiring careful attention to the receiving country's institutional history, existing legal structure, and path-dependent constraints. In this way, legal transplantation can produce a more harmonious adaptation rather than a mere blanket imitation (Husa, 2018). One example of this nuanced approach can be seen in the potential adaptation of the Malaysia's model for separating corporate and individual liability. This model may follow a relatively feasible path of reform because Indonesia's current regulatory landscape already recognizes civil, administrative, and criminal sanctions within consumer protection law.

The recommendation to establish relevant supervisory bodies also requires careful consideration under legal transplant theory. Although the Malaysian and Vietnamese models are both useful, they differ in terms of institutional complexity. Malaysia's Department of Personal Data Protection, for instance, provides a more direct reference for Indonesia because its PDP Law has already mandated the establishment of an equivalent body to supervise data protection matters under Article 58, which would also cover consumer data. By contrast, Vietnam's MOPS model reflects a more mature and sophisticated form of institutionalized data supervision. Such a model could potentially support stronger regulatory delivery and inspection. However, the transplantability is more complex because Indonesia would need to maintain regulatory harmony, particularly in relation to legal and administrative requirements under the PDP Law and the broader consumer protection framework. For this reason, the Vietnamese model is better viewed as a long-term reference, to be considered after the adaptation of the Malaysian model has produced tangible results and after Indonesia faces a stronger demand to address more complex regulatory challenges.

From a practical perspective, this adaptation can be implemented through three legal phases. The first one can begin with the enactment of implementing regulations for the PDP Law in order to facilitate the establishment of a supervisory data protection authority. The second phase can be carried out through the amendment or supplementation of the Consumer Protection Law, particularly by distinguishing individual, corporate and platform-based liability. In the third phase, Indonesia can build on existing e-commerce regulations by expressly recognizing social commerce and linking key compliance standards to social media platforms that facilitate social commerce transactions. Through this approach, Indonesia can induce the legislative burden while still adding important technical details on social-commerce transparency, including pricing accuracy, truthful discounting, refund and

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return-cost allocation, platform disclosure duties, and breach notification procedures (Nurlaily et al., 2026).

Most importantly, in this framework, Indonesia's proposed legal reforms—updating the Consumer Protection Law, distinguishing sanctions, and establishing a data protection authority—represent a progressive and human-centered legal response. This perspective emphasizes that the law should function not merely as a coercive instrument, but also as a means of ensuring real empowerment and protection while balancing innovation with the protection of public rights. With this orientation, Indonesia's legal system can become more progressive and adaptive, while also providing a comprehensive and effective legal basis for protecting consumer welfare in social commerce transactions.

## IV. CONCLUSIONS

The analysis finds that although Indonesia already has a broad legal foundation through its tripartite regulatory regime, Malaysia and Vietnam demonstrate more advanced institutional responses to consumer and data protection challenges in social commerce. Malaysia enforces its regulatory framework through a dual approach that provides clearer corporate accountability, supported by the dedicated Department of Personal Data Protection (JPDP). Vietnam, meanwhile, offers a more integrated model by connecting consumer protection and data protection through centralized oversight under the Ministry of Public Security (MOPS) developed through a staged legislative strategy. In comparison, Indonesia still faces several important legal gaps. First, it has not clearly separated legal responsibility between individuals and corporations as legal entities, unlike Malaysia. Second, Indonesia has not yet operationalized the independent data protection authority mandated under the PDP Law. These gaps weaken Indonesia's capacity to respond to the specific risks that arise in social commerce, where commercial activities, platform governance, consumer transactions, and personal data processing often overlap. In response, Indonesia should strengthen its consumer protection framework by clarifying corporate and platform-based liability, establishing an independent personal data protection authority, and issuing technical rules on deceptive marketing, pricing transparency, refund and return-cost allocation, platform disclosure duties, and breach-notification procedures. These measures would help make consumer protection more practical, enforceable, and responsive to the realities of social commerce. However, these recommendations should not be understood as direct legal transplants for Malaysia or Vietnam. Rather, they should be viewed as selective legal adaptations that must be adjusted to Indonesia's existing legal

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structure and institutional capacity. In this regard, Malaysia's liability model and the supervisory structures found in Malaysia and Vietnam provide useful reference points, particularly because they show potential compatibility with Indonesia's PDP framework. By adapting these models carefully rather than copying them outright, Indonesia can develop a more coherent, effective, and context-sensitive legal framework for protecting consumers in social commerce transactions.

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