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## URGENCY OF IMPLEMENTING ARTICLE 1365 OF THE CIVIL CODE IN ADDRESSING TORTIOUS CONDUCT IN ELECTRONIC TRANSACTIONS IN INDONESIA

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### ABSTRACT

The rapid growth of electronic transactions has introduced new challenges, particularly concerning tortious conduct and the legal framework governing these interactions. In an increasingly digital era, electronic transactions have become a primary medium for commerce and business interactions, yet issues such as fraud and personal data violations have become more prevalent. Article 1365 provides a legal basis for individuals or entities suffering damages to file claims for compensation. This study examines the urgency of implementing Article 1365 of the Civil Code in addressing tortious conduct within electronic transactions in Indonesia. The objective is to analyze the applicability, limitations, and potential reforms needed to adapt Article 1365 to the digital context. A normative legal research method was employed, utilizing a statute and conceptual approach. Data were collected by analyzing legislative texts, legal literature, and case law. Data analysis involved qualitative content analysis to identify gaps and propose solutions. The findings reveal that Article 1365 provides a strong foundation for addressing tortious conduct, but its application in electronic transactions remains ambiguous, particularly regarding evidence collection and the definition of harm. This research introduces a novel perspective by emphasizing the necessity for specific regulations and institutional reforms to enhance legal certainty and address the unique challenges posed by electronic transactions. These recommendations aim to protect consumer rights, ensure fair business practices, and foster trust in Indonesia's digital economy.

**Keywords:** article 1365 of the civil code, electronic transactions, tortious conduct

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### INTRODUCTION

In recent years, advancements and the application of information technology in the economic sector have shown significant development (Lyócsa & Todorova, 2024; Milindi & Inglesi-Lotz, 2023; Schneeloch & Eldakadosi, 2024). This progress has facilitated easy access to information for the public and enables individuals without spatial and temporal constraints (Grüter & Czaczkes, 2019; Thomas, 2020; Tokunaga, 2014; Wen et al., 2025). The process of globalization in the economic field, especially in trade sectors, has been further strengthened by the Internet as an efficient communication medium. As a fast medium of communication, the Internet has played a crucial role in facilitating the globalization process in the economy. Through the Internet, trading transactions can be conducted both directly and indirectly. This transformation has altered traditional trade patterns into a more modern system known as e-commerce. Advancements influence the growth of e-commerce in information technology and public demand for faster, easier, and higher-quality services (Yasin, 2003).

One example of the development and application of information technology in the economic sector is e-commerce, which is commerce between buyers and sellers via the Internet. E-commerce

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not only provides convenience for consumers but also facilitates producers in marketing their products while saving time and costs (Deng & Wang, 2016; Sin et al., 2016; Wang et al., 2016). With advanced technology-based trade, e-commerce has changed the way conventional trading is conducted, where interactions between consumers and companies that were previously conducted face-to-face are now shifting to indirect interactions (Chakraborty et al., 2022; Dai et al., 2024; Santoso & Erdaka, 2015; Vakulenko et al., 2019; Xu & Lockwood, 2021). E-commerce has revolutionized traditional business paradigms by developing interaction models between producers and consumers in a virtual space. The trading systems implemented in e-commerce are designed to conduct electronic signatures, encompassing processes from purchasing and verification to delivery of goods (Sinaga, 2018).

However, while using the Internet for trading transactions offers numerous conveniences, e-commerce cannot be considered a problem-free system, particularly for countries needing more regulations regarding e-commerce. In practice, many cases have arisen that harm consumers due to internet use in e-commerce transactions. For instance, tortious conduct by business actors against consumers in online buying and selling transactions has been frequently reported. An example would be consumers who have paid through Internet banking to sellers but do not receive the purchased goods or the goods delivered do not match what was ordered, resulting in losses for the consumers. Such acts classified as tortious conduct occur frequently. Suppose one party engages in tortious conduct in an electronic sale and purchase transaction. In that case, the aggrieved party will face difficulties in seeking compensation for the violation, as the legal relationship between both parties was not established directly from the outset (Hardjomuljadi, 2017).

In principle, the ease of access provided by the internet also brings risks and detrimental impacts. Article 1365 of the Civil Code regulates the obligation to compensate for damages caused by faults that harm other parties. Article 1365 stipulates that every unlawful act causing harm to another obligates the perpetrator responsible for the wrongdoing to compensate for the resulting damages. The party not liable based on the agreed terms can be sued by the party that feels aggrieved to obtain restitution. Therefore, in the context of e-commerce, it is essential to provide adequate protection to parties engaging in transactions through the Internet (Djanggih & Salle, 2017).

The impact of information and communication technology advancement, particularly the Internet, has accelerated the growth rate of electronic transactions worldwide. Electronic transactions, encompassing online purchases, electronic agreements, and digital payments, have become integral to daily life. However, alongside this growth, various legal issues have also arisen and must be addressed. A significant issue in electronic transactions is tortious conduct, which can harm one or more parties. The Indonesian Civil Code, particularly Article 1365, states, "Every act that violates the law and causes harm to another obliges the person who causes the harm because of his fault to compensate for the harm," is crucial in dealing with tortious conduct. However, questions arise regarding how effectively Article 1365 of the Civil Code can be applied in electronic transactions.

Therefore, this research will discuss the urgency of regulation in Article 1365 of the Civil Code in addressing tortious conduct in electronic transactions in Indonesia, the weaknesses concerning regulating electronic transactions based on Article 1365 of the Civil Code, and the efforts to create legal certainty in electronic transactions.

The rapid development of electronic transactions in Indonesia has been accompanied by numerous legal challenges, particularly regarding consumer protection and accountability for tortious conduct. A notable example is the rise in online fraud and data breach cases. For instance, recent reports highlight incidents where consumers' data were sold on dark web platforms after engaging in electronic transactions, causing financial and emotional harm. Similarly, disputes often arise when consumers fail to receive goods or services as promised, with limited recourse due to the ambiguity in legal frameworks. These cases demonstrate the urgent need for clear and comprehensive regulations, particularly concerning the application of Article 1365 of the Civil Code to digital interactions. By addressing these issues, this research seeks to provide a foundation for improved legal certainty, upholding the rights of all parties involved in electronic transactions and fostering trust in Indonesia's growing digital economy.

## **METHOD**

This research employs a qualitative approach, focusing on the normative juridical method. The qualitative nature of the study emphasizes an in-depth analysis of legal norms and their application in addressing tortious conduct in electronic transactions. This method aims to analyze the applicable legal rules and how these rules are implemented or interpreted within a particular regulation. The primary sources in normative legal research are legislation and other legal literature. This approach is particularly relevant in exploring theoretical and conceptual legal issues, such as the urgency of regulation in Article 1365 of the Civil Code in addressing tortious conduct in electronic transactions in Indonesia, the weaknesses concerning electronic transaction regulations based on Article 1365 of the Civil Code, and the efforts to create legal certainty regarding tortious conduct in electronic transactions. One of the approaches used in this method is the statute and conceptual approaches (Marzuki & Sh, 2021). The statute approach is done by reviewing and analyzing various regulations that govern particular issues, such as the Civil Code and the rules related to electronic transactions. Through this approach, researchers can analyze and identify the urgency of regulation in Article 1365 of the Civil Code in addressing tortious conduct in electronic transactions in Indonesia, as well as the weaknesses regarding electronic transaction regulations based on Article 1365 of the Civil Code and efforts to create legal certainty concerning tortious conduct in electronic transactions.

## **RESULT AND DISCUSSION**

### **Urgency of Regulation in Article 1365 of the Civil Code in Addressing Tortious Conduct in Electronic Transactions in Indonesia**

Tortious conduct begins with an action taken by the perpetrator. Generally, it can be accepted that the action includes both active acts (doing something) and passive acts (not doing something). For example, a perpetrator fails to fulfil his legal obligations to act, even though he has such obligations determined by the applicable law (where the obligation can also stem from a contract). Therefore, tortious conduct does not involve the elements of "approval or agreement" or "permitted cause" elements found in contractual agreements. Tortious conduct, according to the provisions of Article 1365 of the Civil Code, refers to actions that unlawfully cause harm to others, where the person responsible for the action is obliged to compensate for the damage caused. Tortious conduct is considered to occur when the perpetrator takes actions that are anticipated to violate laws, infringe upon the rights of others, fail to fulfil legal obligations it possesses, violate

ethical norms and public order, or breach norms of decency in society, both against oneself and others. However, to hold an action accountable as tortious conduct, it is necessary to consider the element of fault present in the action (Natalia, 2019).

The criteria of tortious conduct encompass two main concepts, namely “acts” and “against the law.” These two concepts are interconnected. Their connectivity can be understood through two approaches. First, through linguistic interpretation, where “against the law” describes the nature of an “act,” thus forming the term “tortious act.” Second, through legal interpretation, which is divided into narrow and wide meanings. In the narrow sense, tortious conduct only includes violations of another's rights or obligations of the perpetrator that contravene legal provisions or laws. This opinion developed before the Hage Road ruling of 1919.

Meanwhile, in a broad sense, tortious conduct also encompasses violations of ethical norms and propriety applicable in society, such as against others and their property. This opinion emerged after the application of the Hage Road ruling in 1919. The prerequisites for tortious conduct encompass two main concepts: “act” and “against the law.” Both ideas are interrelated. Their interconnection can be understood through two approaches. First, through linguistic interpretation, where “against the law” explains the nature of an “act,” thus forming the term “tortious act.” (Hapsari & Putri, 2022).

Fault refers to actions conducted intentionally or due to negligence in carrying out or avoiding an act that contravenes the law (*onrechtmatige daad*). Under civil law, a person is considered guilty if it is regrettable that he has either committed or failed to prevent an act that should have been prevented. Actions that ought to be evaluated depend on the potential to predict the consequences. This estimation must be assessed objectively, meaning that an average acting human should be able to anticipate actions that ought to be taken or avoided in specific situations. Fault is an action performed purposefully or through negligence in executing or avoiding an act contravening the law (*onrechtmatige daad*). Under civil law, a person can be declared guilty if it can be regrettably said that he performed or failed to avoid actions that should have been prevented. The assessment of actions that ought to be undertaken or avoided is based on whether the consequences can be predicted. This consideration is conducted objectively, referring to the standard of human behavior in acting normally, which is expected to be able to anticipate what actions or omissions ought to be taken in particular conditions.

In Article 1365 of the Civil Code, the causal relationship is evident in the phrase “acts that cause harm due to their fault,” indicating that the harm arose from an act, or in other words, the harm is a consequence of a particular action. The main problem is whether the harm is caused by the act and to what extent this can be proven. If there is a causal relationship (causality) between the harm and the act, it can be concluded that the harm results from the action taken. However, this view needs to be considered to not conflict with the principles of causality in natural law, which states that an event involves several interrelated processes or factors. This causal relationship consists of several causes that play a prerequisite role in the event so that the harm may not arise from a single act but from several related conditions. The theory put forth by Von Buri supports this idea, stating that every condition required for the occurrence of an outcome can be regarded as a cause. In other words, if one of these conditions is not fulfilled, that outcome will not occur; each condition here, as a *conditio sine qua non*, serves as a cause of the arising result.

Evidence in law is the process of presenting legally valid items of proof to the judge dealing with a particular case to provide certainty and confidence regarding the integrity of the event alleged by the contesting parties. This evidentiary process is crucial, mainly because the growth of electronic information is yet to be fully accommodated within the Indonesian procedural legal system and is vulnerable to forgery and rapid dissemination within seconds. Thus far, Indonesia's evidentiary system in civil law still refers to the Civil Code (KUHPPerdata), particularly in Articles 1865 to 1945. Meanwhile, for the Indigenous population in Java and Madura, the regulation regarding evidence is stated in the *Herzine Indonesische Reglement (HIR)*, specifically Articles 162 to 165, Article 167, and Articles 169 to 177. Outside Java and Madura, evidence regulations for the same group are governed under the *Rechtreglement Voor de Buitengewasten (RBg)* from Articles 282 to 314.

In the HIR system for civil proceedings, judges are bound by legally valid evidence, meaning decisions can only be reached based on legally valid evidence. Sudikno Mertokusumo categorizes evidence into oral, documentary, and material evidence. Oral evidence consists of statements given by a person in court. In contrast, documentary evidence encompasses letters or written evidence, and material evidence involves evidence in the form of objects besides documents. The types of evidence according to Article 1866 KUHPPerdata include:

1. **Written Evidence or Document Proof.** According to Sudikno Mertokusumo, written evidence contains characters intended to express someone's thoughts or feelings, commonly called "written evidence" or an act. Its provisions are regulated in Articles 138 and 165-176 HIR, Articles 285-305 RBg, Articles 1867-1894 KUHPPerdata, Articles 138-147 Rv, and Ordinance No. 29 of 1867. Written evidence is classified into:
  - a. **Authentic Acts** are regulated in Article 1868 of the Civil Code as acts made by the law by or before an authorized public official. Acts drafted and created per the legal regulations and in front of a public official with official authority. This act possesses a more muscular evidentiary strength than underhand acts because it is based on a formal process guaranteed by law. The authorized public officials responsible for making authentic acts, such as notaries, are accountable for ensuring that the document has been created lawfully and according to applicable legal procedures and thus can be used as a substantial piece of evidence in trials or other administrative processes.
  - b. **Underhand Acts:** Established in Article 1874 KUHPPerdata and Article 286 RBg as documents not prepared by or before a public official and signed by individuals personally. This act is signed personally by one or all parties involved, signifying their agreement without stringent formalities. Although underhand acts do not possess the same evidentiary strength as authentic acts, they still hold legal value. They can be used as evidence, provided they meet specific criteria, such as clarity of content and authenticity of signatures. In practice, this act is often used for agreements not requiring notarization, such as borrowing agreements, cooperation contracts, or other private transaction documents.
  - c. **Unilateral Act or Acknowledgment of Debt:** Article 1878 KUHPPerdata and Article 291 RBg contains a debt acknowledgment made and signed by the obligor himself. This legal document contains statements acknowledging debts made and signed personally by the obligor. In this act, the debtor acknowledges his obligation to pay a certain sum of money

or deliver objects of value, with a writing performed entirely in the hand of the signer. This document must encompass clear information regarding the debt amount and other pertinent terms. Although it does not officially involve public officials, this unilateral acknowledgment still holds legal weight as evidence of debt. Should a dispute arise regarding this debt, this act can serve as initial evidence, albeit insufficient, when faced with objections or rebuttals from other involved parties.

2. Witness Evidence is regulated in Articles 139-152 and 162-172 HIR, Articles 165-179 and 306-309 RBg, and Articles 1895 and 1902-1908 KUHPperdata. A witness may be used when written evidence is unavailable or does not sufficiently meet evidentiary criteria. However, several matters, such as prenuptial agreements and insurance, must be proven with specific written proof. Thus, witness testimony is an alternative to strengthen a party's arguments or claims. It is essential to note some types of agreements, such as prenuptial and insurance agreements, can only be validated through specific written evidence. Therefore, it is crucial for the parties involved to have valid documentation so that their rights and obligations can be upheld legally.
3. Presumptive Evidence regulated in Article 173 HIR/Article 310 RBg and Articles 1915-1922 KUHPperdata are inferences drawn by the judge or by law from known facts to demonstrate unknown facts. There are two types of presumption: legal (legal conjecture) and factual (factual conjecture). Presumptive evidence is regulated in Article 173 HIR/Article 310 RBg and Articles 1915-1922 KUHPperdata; these are inferences drawn by the judge or by law from known facts to establish unknown facts. There are two types of presumption: legal (legal conjecture) and factual (factual conjecture).
4. Acknowledgment Evidence is governed by Articles 174-176 HIR, Articles 311-313 RBg, and Articles 1923-1928 KUHPperdata, and acknowledgment may occur in front of a judge or outside of proceedings. This acknowledgment can occur in front of a judge during court proceedings or outside of them, and both will have significant evidentiary weight. Acknowledgment before a judge is regarded as official acknowledgment and carries greater legal weight. Conversely, an acknowledgment outside the courtroom can also be accepted as evidence, although additional verification may be needed to demonstrate its authenticity. Generally, acknowledgment is a statement expressed by the parties involved concerning specific facts that may impact the case's outcome, thus playing a crucial role in supporting each party's legal arguments.
5. Oath Evidence: the provisions regarding the oath are found in Articles 155-158 and 177 HIR, Articles 182-185 and 314 RBg, and Articles 1829-1945 KUHPperdata. In the Indonesian language dictionary, an oath is interpreted as an official statement ratified in the name of God or something sacred. Oaths are divided into three types: conclusive oath, supplementary oath, and estimative oath. An oath is a formal declaration made swearing on the name of God or a sacred entity, which expresses the seriousness and sincerity of the party taking the oath. Oaths are classified into three types: conclusive oath, serving to determine a matter; supplementary oath, used to augment the existing evidence; and estimative oath, intended to appraise or measure the truth of specific facts. These three types of oaths play a significant role in the evidentiary process, adding further strength to the arguments made by the parties swearing in court and assisting judges in determining the truth of the disputed circumstances.
6. Additional Evidence: Additional evidence in legal proceedings includes on-site inspections (descente) governed by Articles 153 HIR/180 RBg and expert witness testimony governed by

Articles 154 HIR/181 RBg, which serve to provide technical or specific explanations required to understand certain aspects of the ongoing case. Expert witnesses are presented to offer professional opinions based on their expertise and experience, aiding judges in making more accurate and fact-based decisions. Thus, this additional evidence plays a crucial role in strengthening the evidentiary process and supporting justice in every case handled in court.

Article 1365 of the Civil Code serves as a significant legal basis for individuals or entities that feel aggrieved due to tortious conduct. This article emphasizes that anyone committing acts violating the law and causing harm to others is obliged to compensate for the damages incurred. In electronic transactions, Article 1365 provides a solid legal foundation for filing compensation claims, especially when there are consumer rights violations, personal data misuse, or transactions that do not comply with applicable regulations. The application of Article 1365 in electronic transactions encompasses several essential elements. First, there is the obligation to prove the existence of tortious acts, which in this case can include acts of fraud, breach of contract, or misuse of information. Second, the harmed party must show that this conduct caused actual harm. This establishes a unique challenge in electronic transactions, where evidence and data are often difficult to trace and identify. Despite this, Article 1365 provides a means for the aggrieved party to seek restitution, provided they can present sufficient evidence to support their claim. The effectiveness of Article 1365 in protecting parties who feel aggrieved in electronic transactions can be observed from several aspects (Ehwi & Mawuli, 2021; Park, 2019). First, this article creates a sense of security and protection for consumers, as they know that legal mechanisms are available to seek compensation for harm resulting from unlawful actions. Second, the clarity regarding legal responsibilities also incentivizes business actors to operate transparently and responsibly to avoid potential lawsuits. However, it should be noted that achieving optimal effectiveness requires support from additional regulations more specifically related to electronic transactions, as well as increased legal awareness among society regarding their rights and obligations.

#### **Weaknesses concerning the Regulation of Electronic Transactions Based on Article 1365 of the Civil Code and Efforts to Create Legal Certainty regarding Tortious Conduct in Electronic Transactions.**

The need for more understanding of the law among individuals and business actors involved in electronic transactions is a significant issue that hampers enforcing their rights and obligations (Barkatullah, 2018; Lu et al., 2018; Tosza, 2021). Many people engaged in online transactions must fully comprehend the legal provisions regulating their interactions. For instance, they may need to be made aware of specific legal protections available in electronic transactions, such as the right to receive clear information about products, the right to cancel transactions, and the right to privacy of personal data. Such misunderstandings can lead to disastrous consequences, mainly when violations, fraud, or losses occur due to unauthorized transactions. When individuals or businesses need help understanding their rights and obligations, they will likely know what steps to take when violations occur. For example, they may need to be made aware that they need to collect specific evidence to support their claim for compensation to be submitted to the court. As a result, when they encounter situations where their rights are violated, they find it challenging to arrange and present relevant evidence. This can lead to their compensation claims being denied or rejected in court, which, in turn, will diminish their trust in the legal system and electronic transactions overall.

Legal uncertainty represents a primary challenge in implementing Article 1365 of the Civil Code in electronic transactions (Bacior, 2023). Although this article provides a legal basis for aggrieved individuals or entities to file claims for compensation due to tortious conduct, the article does not explicitly regulate violations occurring in the digital world. This leads to ambiguity regarding how the article can be applied to specific cases, such as personal data breaches, online fraud, or cyber-attacks. Crimes such as online fraud and personal data violations are increasingly rampant. However, because Article 1365 of the Civil Code does not explicitly encompass these situations, business actors and consumers often feel confused about pursuing compensation or resolving disputes.

For instance, in cases of personal data breaches, it is unclear how to establish the causal relationship between the violation and the harm individuals suffer. Lacking clear guidelines, the aggrieved individuals might struggle to navigate the legal process, resulting in dissatisfaction with the outcomes obtained. This uncertainty also places a burden on judges when making decisions. In many cases, judges might have to refer to general principles of existing law, but there needs to be clear rules about applying articles related to the digital realm. This can lead to disparate interpretations, culminating in inconsistent decisions across different courts. This uncertainty may ultimately undermine public trust in the legal system and create instability in the electronic transaction environment.

Electronic transactions have become increasingly common in the digital age, yet collecting evidence related to these transactions often faces significant challenges. One of the main challenges is accessing and gathering necessary evidence to support compensation claims. Many relevant pieces of evidence, such as transaction data, communication records, and user information, are often stored on servers out of reach of national law. This poses hurdles for parties feeling aggrieved in obtaining the access needed to prove their claims. The inability to access such evidence may result in injustice against the harmed party. For instance, in online fraud involving servers located overseas, the aggrieved party might lack the means to take legal action against the perpetrator. When the service providers or platforms are unwilling to furnish the required information, the aggrieved parties may face challenges in evidencing their losses due to tortious conduct. Their compensation claims may be dismissed without solid evidence, even if they are entitled to compensation.

In addressing the challenges posed by the growing trend of electronic transactions, it is essential to formulate specific regulations governing aspects of these transactions. These regulations should be specific and comprehensive, encompassing clear definitions, rights, and obligations of each party involved in the transaction. With detailed regulatory frameworks, business actors and consumers will better understand what is expected of them in each electronic transaction. One primary focus of this regulation should be the protection of personal data. Providing adequate protection for individuals' personal data is crucial in the digital era, where personal information can be easily accessed and exploited.

Regulations must govern personal data collection, use, and processing, including individuals' consent before their data is used. Strict penalties must be applied to parties violating data protection provisions to encourage compliance and enhance user safety. Regulations should also encompass efficient dispute resolution mechanisms for electronic transactions. In case of disputes between the parties involved, it is crucial to have clear procedures for resolving such conflicts,



whether through mediation, arbitration, or litigation processes. With structured procedures, parties will find it easier to seek justice without going through lengthy and complex legal processes.

Strengthening legal institutions is crucial in using challenges posed by electronic transactions. Enhancing the capacity of law enforcement agencies and courts will ensure they understand the dynamics and complexities arising in the digital world. Training in information technology and cyber law is essential to this process. With appropriate training, law enforcement officers and judges can better understand electronic elements cases, enabling them to make more informed and factual decisions. Education and training provided to law enforcement should focus on legal and technical aspects of technology used in electronic transactions. This includes understanding how digital platforms work, how data is collected and stored, and the techniques used in online fraud. With deeper knowledge, law enforcement agencies can more effectively investigate and prosecute legal violations occurring in the digital realm. Strengthening legal institutions should also involve providing adequate resources, such as access to necessary technological tools for investigations and processing electronic evidence. This will allow law enforcement to work more efficiently and effectively in managing cases related to electronic transactions.

For instance, using data analysis software to trace digital footprints or investigate patterns of suspicious transactions can greatly aid in uncovering illegal practices. The enhancement of legal institutions should also be associated with interagency cooperation at the national and international levels (Gil-Garcia et al., 2019; Ogbonnaya & Keeney, 2018). Cases involving electronic transactions often comprise cross-border violations, thus making collaboration among law enforcement agencies from various countries very important. Through such cooperation, information sharing and investigative techniques can be improved, enhancing the likelihood of resolving intricate cases.

## **CONCLUSION**

Tortious conduct is a fundamental concept in civil law that underscores the responsibility of individuals or entities to compensate for harm caused to others through unlawful actions, either actively or passively. Based on Article 1365 of the Civil Code, perpetrators of tortious conduct are obliged to compensate for the damages resulting from their actions, and proving this entails fulfilling certain requirements, including the presence of fault elements and a causal relationship between the conduct and the harm experienced. Given the continuously evolving electronic transactions, implementing Article 1365 becomes crucial in protecting consumer rights and providing a legal mechanism for those aggrieved by unlawful acts, despite the challenges in proving harm within a digital context. Therefore, there is a need for more specific regulations and a better understanding of rights and obligations in electronic transactions so that legal protection can be effectively implemented while simultaneously encouraging more transparent and responsible business practices.

Regarding legal challenges in electronic transactions, the lack of legal understanding among individuals and business actors, legal uncertainty in the application of the Civil Code, and difficulties in evidence gathering present significant issues impeding the enforcement of their rights and obligations in the digital domain. To resolve these issues, specific and comprehensive regulations are required that not only protect the rights and obligations of each party but also provide protection for personal data and efficient dispute resolution mechanisms. Strengthening legal institutions through training and providing adequate resources is essential to enhance their capacity

to confront the complexities of cases involving electronic elements. Additionally, cooperation among agencies at both national and international levels is key to addressing increasingly rampant cross-border violations. With these measures, public confidence in the legal system and electronic transactions can be restored, creating a safer and more transparent environment for all parties involved.

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