



Responsibility and Legal Protection of The Parties in Electronic Business Transactions

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Abstract

The internet brings a lot of changes to every human life, the presence of the internet is widely used as a source of information and to improve the standard of human life, one of the most appropriate business fields, through the internet is to create electronic transactions or e-commerce. This study uses a descriptive method with a qualitative approach and data triangulation analysis, the results of the study explain that electronic business or business transactions have been of great interest to all levels of Indonesian society, for example by shopping online, paying taxes, and maybe any purchasing activity can be done. through the e-commerce service, but in the process of implementing the electronic system it seems that it already has a proper legal basis, the government itself through government regulations has issued an ITE Law, which will regulate all forms of buying and selling transactions with the following terms and conditions. certain provisions, this is based on avoiding all forms of irregularities and fraud through the e-commerce service, in addition to the presence of the Law to be able to improve the quality of e-commerce system trading among the Indonesian people.

Keywords: Law, Transaction, Electronic

1. Introduction

The dynamics of the acceleration of the internet world from year to year are increasingly peaking, with the presence of the internet, it is easier for humans to carry out all activities, the era of globalization has helped improve information and communication systems whose role is increasingly vital, the development of the internet has changed human life a lot from what was originally simple to now. all modern and of course very easy to reach wherever we are, one of the aspects of internet services that are most enjoyed by humans is the development of faceless trading (faceless trading) with the help of the sophistication of the internet as a service center that provides speed of access and reach to penetrate in remote areas of the country, the internet itself stands for (interconnected network), is a part of computer technology through a trading system with electronic transmission, and is commonly known as electronic contract or electronic commerce or commonly abbreviated as e-commerce. E-commerce is an activity of buying and selling through

internet media. With very rapid technological advances, online buying and selling occurs which can make it easier for consumers and business actors to market their goods and/or services (Barkatullah, 2007; Paryadi, 2018; Sidiq& Jalil, 2021).

So that the internet is able to create a new culture among the community, which of course is ready to provide various services and conveniences with commercial transactions, in this digital era, there are many new things that may have a major impact on human life, such as withdrawing money from ATM machines, credit cards, online shopping, paying for electricity, buying credit, quotas, and it seems that there are many more various human activities that are facilitated by the internet, in the world of commerce having credit cards is an obligation because it is through these cards that we will transact, if in the past Busy people go to the market and bring a very large amount of money, then the culture has begun to disappear and is replaced by an e-commerce system which is considered very practical and easy to use. The use of the internet for business transaction activities is known as Electronic Commerce (E-commerce). E-Commerce can occur between business organizations and consumers, including the use of the Internet and the World Wide Web for selling products and services to consumers (Doolin, et al., 2005).

The internet is one example of the development of the digital world which affects all human activities, but the effects of an internet service must be carefully considered, however the other side of the various conveniences will cause a negative impression, the impact will return to all of us. as a user of the internet service, to avoid various criminal acts under the guise of internet manipulation and everything related to the electronic world, the Indonesian government moved quickly by issuing a law that regulates procedures for transacting through internet/electronic services, as stated in Article 1 point 2 UUITE states that, Electronic Transactions are: "Legal actions carried out using computers, computer networks or other electronic media, buying and selling transactions electronically are one of the embodiments of the above provisions" (Akar& Nasir, 2015).

With the issuance of a law that regulates all forms of activities that use the internet, then this is a fast, firm, and certainly legal step because it is legal by the government with sovereign legal rewards, as described above trading transactions via the internet. or e-commerce is becoming a new prima donna that is very mushrooming in various regions in Indonesia, entrepreneurs, flocking to create a service with the convenience of technology and information, but in the process of traveling to create a harmony in transactions and serve their consumers honestly and professionals, there are several general requirements and classifications that must be fulfilled by these online entrepreneurs, of course, these conditions are a guarantee to avoid the applicable laws and regulations, entrepreneurs require to provide information on the terms of the producer contract to display a pro form (Nasution, 2017; Setiantoro et al, 2018). The document is complete and correct, as stated in Article 17 of the ITE Law in: Paragraph (1) "the implementation of electronic transactions can be carried out in the public or private sphere". Paragraph (2) "the parties conducting electronic transactions as referred to in paragraph (1) must have good faith in interacting and/or exchanging electronic information and/or electronic documents during the transaction.

Making consumers comfortable and trusting is a sign of gratitude for entrepreneurs in offering their products/services, but to further maximize our role as wise entrepreneurs and already have valid legal principles, there is nothing wrong if we further improve the quality of service to our customers. everything we have to offer. Electronic commerce is a new phenomenon that has legal aspects that are no less important than other economic aspects, where these aspects are a support in branding our products so that they are more recognized by the wider community of course the attitude of responsibility, trust, providing guarantees of evidence. payments, and personal data relating to the products/services that we have are legal and comply with the law, the principle of trust is one of the attitudes of professionalism that we can show to consumers, in addition to avoiding all forms of criminal acts of fraud in the name of our products, electronic business transactions require filling in valid data based on the right identity card, the Consumer Protection Act is a guide for sellers and buyers to be able to run their business honestly and precisely to avoid losses (Setyawati et al., 2017 ; Tuela, 2014).

Electronic transactions are now more popular and can be found in almost every corner of the city, because the process of the e-commerce work system itself refers more to a trading system based on data communication which has begun gradually at the local, regional, to global levels. buying and selling transactions via the internet still involve the same two people when we transact in the real world, namely the existence of producers as business owners and consumers as parties who will use the products/services that we have, so, all types of transactions or exchanging services through a network that is formed together can be classified into an electronic commerce, In buying and selling transactions by electronic means, in which it is related to the parties carrying out legal relations, which are carried out based on an electronic agreement as regulated in Article 1 point 17 of the Information and Communications Law (Lumantow, 2013). Electronic Transactions known as electron contract is an agreement contained in an electronic document or other electronic media. With the convenience of internet technology, it produces transactions that can be carried out both in the public and private spheres.

There are several ways that are regulated in the legal payment mechanism using electronic or e-commerce transactions, which are often used by entrepreneurs, including online processing of credit cards, this method is often used for retail products, which can be found at several markets, malls, extensive shopping centers, our system makes transactions directly on the spot, then the next one uses a money transfer system, this process is considered safer but does not require an additional fee for money transfer service providers to send money to various ATMs that we want to go to, then the last one uses the cash on delivery system, this method requires someone to make a transaction by paying directly to the store or to the place where the producer sells his products/objects covering various areas through a service provider. which many offer delivery in very large quantities Lots. As we already know that the ease of the internet has penetrated various spheres of people's lives in various worlds, including Indonesia, which is starting to feel the impact of the presence of the internet, one of which is by presenting e-commerce as a public service that offers goods/products online. in a way that is more practical, faster, and able to present a variety of hundreds of products that cover a very wide area because the

nature of e-commerce is borderless or borderless, according to Laudon and Laudon (2009) E-commerce is a process of buying and selling products online. electronics by consumers and from company to company by computers as an intermediary for business transactions. The media that can be used in e-commerce activities is the world wide web internet.

The aims and objectives of this research are to find out how, the responsibility and legal protection for the perpetrators of electronic business transactions in Indonesia. Some references and previous studies that the researchers used in the preparation of this study were, Supervision of E-Commerce Business Transactions in Indonesia. Realizing Consumer Protection, this research was compiled by Lumantow (2013) The research method used in the preparation of this research is normative and the results of this previous study explain that, the form of supervision contained in The Trade Law and Consumer Protection Act are not sufficient for e-commerce trading, therefore the PMSE Government Regulation has emerged which discusses the development and supervision of electronic transactions. Supervision carried out by the government in the form of a Consumer Protection Act that can prevent fraudulent defaults and overcome problems that have occurred regarding electronic business transactions. Furthermore, the implementation of electronic transactions must be accompanied by supervision in each of its applications, in order to realize harmony in e-commerce trade. The Ministry of Trade as the guidance for the trade sector requires all companies to trade products by complying with the standards and legality. Apart from that, the process of fulfilling the requirements becomes the main role in terms of fulfilling SNI and the feasibility of the product. The feasibility of the product is to support the rights that the buyer must obtain from the seller for the sale of the product.

The next research entitled, Legal Protection of the Interests of the Parties in Online Transactions, this research was compiled by Rusli (2012) using normative research methods and the results of this previous study explained that, The mechanism of buying and selling agreements using online through intermediaries or business actors where prospective buyers, must first enter the website of the business actor and then have been accepted as a member of the intermediary or business actor, the next step is to be allowed to view the catalog of goods and then make a transaction. Legal protection for merchants emphasizes payment, merchants require customers to make payments in full, then payment confirmation is carried out, and the next stage is to send goods that have been purchased. Legal protection for customers is under warranty, namely the return or exchange of goods if the goods purchased received unlike what was purchased and Privacy.

The third research entitled, Potential Benefits and Problems in E-Commerce, this research was compiled by Didi Achjari(2000) using qualitative research methods and the results of this previous study explained that, the Internet has presented new ways and opportunities in business. Many aspects must be considered with the presence of e-commerce that may not have existed before in conventional business practices. Even though there are more and more e-commerce users, this does not mean that e-commerce transactions are completely secure. In order to create a sense of security and to reduce risk, one of the important things is the aspect of trust between the seller and the buyer who may have never met physically.

The last research entitled Implementation of E-Commerce Transactions Based on Law No. 11 of 2008, this research was compiled by Ratnadewi (2014) using a conceptual approach and a sociological approach, the results of this previous study explain that the implementation of e-commerce transactions is based on Law No. Law Number 11 of 2008 concerning Information and Electronic Transactions has not been fully implemented because it turns out that from the results of research in the field, there are still frequent defaults committed by one party so that a dispute arises between the parties. In addition, this is because both in Law Number 11 of 2008 concerning Information and Electronic Transactions as well as in Government Regulation Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, it still does not fully discuss cyberspace, electronic transactions, e-commerce, reseller.

After the researchers observed several previous studies that were used as reference materials and research methods, the researchers found that there were several similarities and characteristics of the discussion method that the researchers were doing, towards the title of this study which raised the topic of how, responsibility and legal protection for business transaction actors. in Indonesia, and the observations concluded that in previous research many aspects of the mechanism and legal research of business actors through the internet or e-commerce were found, in the same context researchers are also developing and focusing this research on mechanisms and laws for perpetrators e-commerce transactions in Indonesia, the researcher uses the previous study as an illustration material as the beginning of the formulation of the problem so that it is in accordance with the methods and studies contained in several previous studies that the researcher uses.

2. Approach Method

In this study, researchers want to examine a phenomenon that discusses how, responsibility and legal protection for electronic business transaction actors in Indonesia, in this study the researcher uses a qualitative descriptive approach by reviewing several journals or articles related to the topic of discussion of electronic or e-transaction actors -commerce This research focuses on the legal mechanisms and laws that apply to these e-commerce business actors, while several types of research used are development research or what is often known as Research and development. Subjects in qualitative research can also be referred to as informants, participants, or people involved in this research, there are two sources of data used in this study, where the data includes primary data and secondary data. For further development, the researchers conducted the interview, observation and documentation stages to further strengthen the results to be achieved as evidence that this research has been completed.

3. Result and Discussion

Based on the results of the research that has been done, by using the observation method on several articles related to the topic of discussion, responsibilities and legal protection for electronic business transaction actors in Indonesia, by evaluating and also analyzing the data found in the field can In summary some results and also a careful discussion found, namely:

3.1 Aspects of Legal Protection in E-Commerce Business Transactions in Indonesia

The internet is a digital service that can connect several aspects in it, including humans, before we go further to use the internet for some activities, there are times when we have to know the functions and roles of the internet that can support our lives, so that we can better understand and understand how to use the internet. Utilizing the internet as the right business field and avoiding negative effects that can harm ourselves, we already know that the e-commerce business is indeed busy and widely used by the Indonesian people as an alternative in making purchases and payments. -commerce which is very broad and has covered the entire spectrum of commercial activities in Indonesia, the internet is growing rapidly so that it gives birth to a new world, which is often called the virtual world, everyone has the right to use the internet with certain conditions to get information without restrictions and p Enghalang, Electronic commerce or also known as e-commerce, is the use of communication networks and computers to carry out business processes. A popular view of e-commerce is the use of the Internet and a computer with a Web browser to buy and sell products. (Pearson, 2008; Achmad, 2021).

In maximizing the role of e-commerce as a public service that is most trusted by the community, of course, entrepreneurs must always improve the quality and creativity that is able to support every community need in daily life, as for several criteria that must be met by entrepreneurs in carrying out transactions. e-commerce in order to comply with government regulations and laws in force in Indonesia, the first requirement includes, the use of a domain name as evidence for customers, then includes a number and e-mail as login access and written notices, always obey pay taxes in accordance with the applicable provisions and the most important thing is the protection for consumers in conducting such e-commerce transactions because it is in accordance with the applicable law that Article 29 of the Consumer Protection Act carries out the function of fostering and supervising goods sold traded (Prawira&Yogie, 2018; Maulida, 2020; Maulida et al, 2020). The rights received by consumers must be in accordance with the principles of justice and balance and do not override the interests of producers in order to create harmony in buying and selling transactions.

The development of electronic business transactions in Indonesia really needs protection and regulation in order to create prosperity in business transactions. This is because there are so many violations and irregularities related to the electronic system, so that the principles of honesty and openness regarding the business we offer to the public must always be number one, through the way we communicate with consumers, so that our convenience and credibility can be guaranteed. bet well, always provide a guarantee for the goods to be traded, in the agreement must include the name of the goods in accordance with the existing reality, there is no element of plagiarism, and of course already have a distribution permit from the government, then enter into an agreement regarding the technical payment which will be done after approving that the goods/products have been legally sold, and the last is the risk of payment of compensation if there is damage or the condition of the goods does not match the specifications of the images displayed.

As one of the new business fields, but transacting via the internet turns out to be more and more used by humans in this era of globalization, the development of e-commerce has become an ease in the process of improving the marketing system, because apart from being easy, other advantages of the e-commerce system are: this is that we can interact and offer all of our goods/products to remote villages, even the world, this is the basis for entrepreneurs to further develop the e-commerce system to be more law-abiding and not detrimental to consumers, Internet use is not only limited on the use of information that can be accessed through this media, but can also be used as a means to conduct trade transactions. For this reason, in order to avoid unwanted things while transacting via the internet, sometimes we have to pay attention to every mechanism and procedure in making online purchases, because once again as consumers we are entitled to treatment that is polite, kind, honest, and unimportant. personal interests, the Consumer Protection Law has not far regulated e-commerce business transactions in the event of a dispute. The Government Regulation has regulated the settlement of e-commerce business disputes contained in Article 72 Chapter XV. ODR (Online Dispute Resolution) is a dispute resolution that uses technology facilities in resolving disputes between the parties. In this case using negotiation, mediation, arbitration, and or a combination. The settlement of this dispute is a dispute resolution outside the court (non-litigation).

After we know the aspects that will arise from the rise of internet-based transactions, the Indonesian government through the ITE Law has correctly issued a regulation that regulates criminal acts in transacting via the internet or the like, then our attitude as citizens who are wise and obey the law must always strive for a fairness that will bring benefits between the seller and the buyer.

3.2 Regulation and Supervision of E-Commerce Business Transactions in Indonesia

Protection in electronic transactions is a justice that will provide a sense of security and trust between the seller and the buyer, proper supervision and structured regulations through a law and this law regarding e-commerce trade should be a reference for entrepreneurs who want to be involved In this internet business world, the Indonesian people have begun to understand and feel the advantages that this e-commerce system offers, besides that entrepreneurs are also required to sell products that are in accordance with Indonesian government standards, where the products are still fit for use, quality, and affordable. there is no element of image fraud in it, in accordance with the direction of the Ministry of Trade (Kemendag) as the coach of the trade sector stating that the product must meet SNI both conventional trading and electronic transaction trading, it is stated that the product being sold has complied with the provisions. Article 2 paragraph (1) of the Minister of Trade Regulation number 73/M-Dag/Per/9/2015 states the procedures for registration, testing methods, supervision, termination, and withdrawal of goods.

Licensing is the main requirement if someone is going to register as a business actor engaged in this e-commerce field, because without a legal permit then by law the company is not legally established and is considered an act against the law because it is contrary to values and morality. in the world of Indonesian trade, because the identity of the company is one of the means that must be owned by every business actor both conventionally and online, as the provisions regarding the

business establishment permit have been contained in many state laws, and one of them is mentioned in article 15 government regulations which state that only those who are subject to administrative sanctions are included in the list of supervisory priorities, to business actors who do not make improvements after being given a third written warning. In the process of imposing the initial stage of sanctions, it can be in the form of giving a warning letter to the seller/producer of a product up to the suspension of the business license owned by the producer/seller so that the seller cannot circulate the product it owns.

Thus the license to conduct a business establishment electronically/online has also been contained and clearly regulated by state law, for that as citizens who always attach importance to legal security in the eyes of the law, we should obey every regulation issued by the government. . In addition to permission to do business, e-commerce business actors must also of course have a standard contract to be distributed through a website with the contract, business actors can provide a guarantee that is not written but has sovereign law, as for the provisions including, contracts this happens remotely, it can even go beyond the borders of a country but through the website we can manage the contract safely and reliably, then the parties involved in the contract certainly do not face to face or face to face but they will meet each other through internet access, the information that will be obtained regarding the digital contract, including data, written information, sound, and images, supervision by the government that gains legitimacy through the regulation of legislation against business actors in carrying out their business activities, is a form of state intervention in the welfare of its people, as well as a feature of the modern welfare state (Hamid, 2017).

4. Conclusion

Based on the research that the researchers conducted on the discussion of how, responsibility and legal protection for the perpetrators of electronic business transactions in Indonesia, the researchers can conclude several main points that can be concluded, the results of various observations that researchers found in the field, namely, the presence of the internet is a a very big advantage for all mankind, including the Indonesian people who really take advantage of the effectiveness of using the internet, one of which is the presence of a public service called e-commerce, this digital system is believed to be very helpful for all daily human activities through With this system, we can transact online and of course it can be reached everywhere, entrepreneurs are starting to aggressively make a breakthrough that can bring many benefits with the presence of e-commerce, but in this case the government as the service manager the internet, provides a rule and legal guarantee that will regulate all provisions in using the internet service, as regulated in a government decision through its ITE Law, the government will maximize all forms of irregularities that can harm the community, to that as a characteristic of a society that obeys the law and upholds a sense of unity and integrity, we should be wise in using the various services and facilities provided by the internet, because behind the positive values of the development of internet access, of course there will be negative impacts that will arise. very detrimental to many people in it.

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