

Consumer protection against losses from electronic stamp transactions in Banda Aceh

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Abstract

The development of digital technology in Indonesia is driving the transformation of administrative systems and document legality, including the implementation of electronic stamps (e-stamps), as regulated in Article 3, paragraph 1, of Law Number 10 of 2020 concerning Stamp Duty. E-stamps were introduced to enhance efficiency, security, and legal certainty in the validation of electronic documents that form civil legal relationships between the public as consumers and official distributors and the State-Owned Enterprise of the Republic of Indonesia Currency Printing. The use of electronic stamps is widespread across all sectors, often causing problems, particularly system disruptions on the e-stamp seller's purchase page that prevent consumers from using the e-stamp and result in material and immaterial losses. This raises legal issues regarding the responsibility of business actors and the protection of consumer rights under Article 19 of Law No. 8 of 1999 on Consumer Protection. This research uses an empirical juridical method. Data were obtained through field research by interviewing respondents and informants, and will be analyzed qualitatively. This research aims to analyze consumer protection against losses from electronic stamp transactions in Banda Aceh. The research results show that e-stamp sellers have an obligation to minimize the risk of loss for consumers and provide compensation mechanisms or system failure repairs due to negligence, so that the principles of good faith and consumer protection are maintained in the legal relationship formed.

Keywords: Consumer protection, transaction losses, electronic stamps

Introduction

The use of stamps is regulated by Law Number 10 of 2020 concerning Stamp Duty, which imposes stamp duty on documents that have economic value or create legal consequences. Previously, the use of stamps was limited to physical forms, but since 2021, it has been expanded to include electronic forms. In general, stamp duty falls into the category of taxes on civil documents that indicate the validity or legality of the document^[1].

Article 1, Paragraph (4) of Government Regulation Number 86 of 2021 concerning the Procurement, Management, and Sale of Stamps explains that electronic stamps are stamps in the form of labels whose use is carried out by affixing them to documents through a specific system. The Indonesian government, through the Directorate General of Taxes (DJP) of the Ministry of Finance, regulates the use of e-stamps by issuing the Director General of Taxes Regulation Number PER-2/PJ/2020 concerning the Procedures for Issuance and Use of Electronic Stamps.

The implementation of e-stamps as part of the digital tax administration system not only impacts fiscal regulations but also creates new dynamics in the realm of civil law, particularly in the context of electronic transactions. With the imposition of e-stamps on digital documents that have legal consequences, every transaction involving e-stamps automatically has valid evidentiary power in the eyes of the law. This reinforces that electronic documents affixed with e-stamps hold the same legal standing as physically stamped documents.

Every transaction of e-stamp purchase by consumers creates rights and obligations protected by law. In this context, consumer protection mechanisms must remain in effect, even if the transaction is conducted electronically, so that consumers still have access to legal recourse in case of violations by businesses, including system failures, invalid

e-stamps, or other losses arising from the use of these digital services.

One of the administrative requirements in 2024 is the use of e-stamps as a form of legalizing electronic documents. However, in its implementation, various technical issues have arisen that impact the rights of consumers as service users. One of the e-stamp vendors appointed by the government, owned by PERURI, experienced a system malfunction just before the registration deadline^[2]. Although it is an entity designated by the state, it still functions as a business actor in transactional relationships with the community or consumers. Therefore, the legal relationship between the two is subject to civil law provisions, including consumer protection and the principle of civil liability. Until now, there has been no concrete form of accountability provided by the e-stamp seller for consumer losses. An apology or acknowledgment of a system disruption is not accompanied by a clear and adequate compensation policy. This raises questions about the effectiveness of legal protection mechanisms for consumers in electronic transactions involving digital public services.

Research Method

This research uses an empirical juridical method, with the empirical approach focusing its study on the legal behavior of society, with the core of legal study as a real behavior^[3]. In this research, a sociological approach will be used^[4]. The data sources used in this research are primary data and secondary data as supporting materials. The data collection technique in this research was conducted using the field research method. Field research is the data collection conducted to obtain primary data by going to the research location to conduct direct interviews with parties related to this research. This research was conducted in Banda Aceh

City and involved all parties involved in the use of e-stamps. The data from this research were analyzed qualitatively.

Results and Discussions

Legal issues are situations or events that raise questions regarding the application, implementation, or enforcement of the law. Legal issues arise when there is a gap between what should be (*das sollen*) and what actually happens (*das sein*). This gap can manifest in various forms, including violations of consumer rights, injustice, or inaccuracies in the application of existing legal norms^[5]. In the context of electronic stamp transactions, the gap becomes apparent when consumer protection norms are available, but their implementation has not yet fully ensured the effective restoration of consumer rights^[6].

Based on the results of an interview with the Information and Documentation Management Officer (PPID) of PERURI, it is known that PERURI has taken various technical and administrative steps to maintain the accuracy, security, and smooth operation of electronic stamp services, especially during the registration period for the 2024 Fiscal Year Civil Servant Candidates (CASN). These measures include socializing the use of e-stamps, urging that stamping not be done close to the registration deadline, preparing additional infrastructure, and providing a helpdesk service to handle consumer complaints. However, during peak transaction times, the system's capacity still faced limitations, resulting in slower service access^[7].

The mitigation efforts undertaken by PERURI demonstrate an endeavor to maintain system reliability. However, from the perspective of the Consumer Protection Law, these measures do not absolve the legal responsibility of the business operators if consumers still suffer losses. Consumer losses can include access failures, delays in affixing stamps, and the unfulfillment of rights to purchased digital products. Therefore, PERURI remains bound by the obligations as stipulated in Article 7 letter f of Law Number 8 of 1999 concerning Consumer Protection to provide compensation or restitution^[8].

The issue of legal liability becomes increasingly complex when e-stamp transactions involve multiple business entities. This is evident from the role of PT Pos Indonesia. Based on an interview with the Retail Business and Partnership Manager of PT Pos Indonesia Banda Aceh, Novi Widiastuti, it is known that there is still a misunderstanding among consumers who consider post offices as sellers of e-stamps. In practice, PT Pos Indonesia serves only as a payment channel through the Pospay application in collaboration with PT Finnet Indonesia. At the same time, the process of purchasing and distributing e-stamps remains entirely under PT Finnet Indonesia's authority. This condition causes PT Pos Indonesia to have no authority to ensure whether the e-stamps are truly received by the consumers.

Although not structurally responsible for distributing e-stamps, PT Pos Indonesia still facilitates consumer complaints through online channels. However, until now, the Banda Aceh Post Office has not received any complaints related to e-stamps. This condition indicates the weak clarity of the chain of liability among business actors in the e-stamp ecosystem, causing consumers to often not know which party to hold accountable when they incur losses^[9]. Based on Article 19 of the Consumer Protection Law, business operators are obliged to provide compensation for

losses suffered by consumers due to the use of goods and/or services. The form of compensation can be in the form of a refund, replacement of goods or services, or other equivalent compensation. In practice, PT Finnet Indonesia has provided a refund or reissue mechanism for e-stamps in the event of a transaction failure. However, interviews with consumers in Banda Aceh show that the process often takes more than 14 working days and is not always handled responsively, leading to legal uncertainty for consumers.

PERURI and PT PERURI Digital Security stated that the e-stamp system has been equipped with a certified security module and layered encryption. However, the mechanism for handling consumer complaints is carried out in stages through distribution partners such as Pajakku and PT Finnet Indonesia. Pajakku itself stated that most issues occur at the payment gateway stage, so the implemented refund guarantee policy is more of a moral responsibility than a legal obligation. Meanwhile, non-digital distribution channels such as post offices and Mitracomm Ekasarana only function as facilitators of payment and education, without direct access to the e-stamp issuance system. The fragmentation of roles reinforces the ambiguity of who is directly responsible for consumer losses^[10].

The Aceh Consumer Protection Foundation (YaPKA) provides an additional perspective on the state of consumer protection in electronic stamp transactions. The head of YaPKA, Fahmiwati, stated that until now, there have been no complaints from the Aceh community regarding e-stamp issues that have reached the institution. The absence of such reports is not an indicator that the service is running smoothly, but rather reflects structural barriers that make the community reluctant to file complaints. These obstacles include the efforts that must be expended, such as costs, time, energy, and administrative processes that are deemed disproportionate to the value of the losses experienced by consumers^[11].

The level of public awareness regarding their rights as consumers in digital transactions is also considered to be low. The pattern of internet-based transactions, which are fast, intangible, and involve multiple entities, often causes consumers to be unaware of which party to hold accountable when problems arise. This condition increases the tendency of the public not to continue the complaint process, especially if the loss is small but requires a lengthy resolution process.

The accountability of business actors in electronic stamp transactions can be analyzed through Van Dunne's legal protection theory, which views the law as an instrument to protect parties in a weak position, namely, consumers. In digital transactions, consumers place their trust in the reliability of a system that is entirely controlled by the business operator. Therefore, when losses result from the failure to fulfill consumer rights, businesses are obligated to provide real protection and recovery. Article 19 of the Consumer Protection Law aligns with Roscoe Pound's theory of legal responsibility, which views law as a means to restore social balance. According to Pound, legal responsibility is not only derived from contractual relationships but also from the social impact caused by the actions or negligence of business actors. In the context of e-stamps, losses such as delays in administrative processing, failures in document uploads, and financial losses due to the unavailability of stamps create an

obligation for businesses to provide replacements, refunds, or other compensations.

Based on the overall findings, it can be concluded that the legal responsibility of business actors in electronic stamp transactions is not yet fully aligned with the principles of consumer protection as regulated in the Consumer Protection Law. Fragmentation of roles, information asymmetry, and the absence of common operational standards create uncertainty regarding which party should be held accountable in the event of a loss. Therefore, it is necessary to strengthen regulations regarding the chain of liability, integrate cross-sector supervision, and provide easily accessible dispute resolution mechanisms for consumers. This step is important so that the electronic stamp system not only meets technical security standards but also provides legal certainty and justice for consumers, who are the most vulnerable party in digital transactions.

Consumer reports in Banda Aceh City indicate the emergence of losses in the form of delayed administrative processing, inability to submit selection documents, and financial losses due to the unavailability of stamps. According to Roscoe Pound's theory, these losses create an obligation for business operators to restore the situation through stamp replacement, refunds, or other compensations. This principle asserts that business operators are not only required to correct technical errors but also to be substantively responsible for the actual impact of system disruptions under their control^[12].

In response to the issue, the Aceh Civil Service Agency, through the civil servant on duty, Luthfia Rahmanizar, based on document validation results, stated that applicants' incorrect use of e-stamps often causes the high failure rate of CASN applicants in the administrative selection process. Some applicants do not pass the administrative selection because they purchase electronic stamps through unofficial channels, reuse a stamp, or upload a photo of the stamp instead of the official electronic stamp document. These practices cause the system to be unable to verify the authenticity of the stamp, resulting in the documents being declared non-compliant with administrative requirements^[13].

Applicants who purchased electronic stamps through the official government portal are not entirely free from failure either. The Aceh Civil Service Agency officials explained that failures also occurred due to the incorrect placement of stamps that did not comply with the technical guidelines for uploading CASN documents. This discrepancy caused the system to be unable to read the stamp as a legitimate part of the document, resulting in applicants being declared administratively ineligible despite using a valid electronic stamp.

On the other hand, there have also been cases where CASN applicants have followed all the established procedures. On several official platforms, documents uploaded by applicants will automatically be stamped with an electronic seal by the system. However, in practice, there are conditions where the position of the stamp generated by the system is not in the appropriate location, resulting in the document still being declared non-compliant with administrative requirements. This condition shows that failures do not always stem from user errors, but can also be caused by inaccuracies in the automated system under the control of the business operator.

These facts reveal a more complex intersection of responsibilities between consumers and businesses. On one hand, there are failures caused by negligence or mistakes made by consumers in using the service. However, on the other hand, there are consumers who are harmed due to failures in the automated system on the official platform. This distinction becomes important in determining the limits of liability for digital business operators and the scope of legal protection that should be provided to consumers in electronic stamp transactions.

Based on the overall findings, it can be concluded that the legal responsibility of business actors in electronic stamp transactions is currently not fully in line with the principles of consumer protection as regulated in the Consumer Protection Law (UUPK). Fragmentation of roles, information asymmetry, and the absence of joint operational standards create uncertainty regarding who should be held accountable in the event of a loss. Therefore, it is necessary to strengthen the regulations regarding the chain of liability, integrate cross-sectoral oversight mechanisms, and provide more accessible dispute resolution channels for consumers. These measures are important so that the e-stamp system not only meets technical security standards but also provides legal certainty and justice for consumers, who are the most vulnerable party in digital transactions^[14].

Conclusion

In conclusion, the legal responsibility of company operators in electronic stamp transactions, as examined under the Consumer Protection Law, indicates that sellers are obligated to pay consumers for damages resulting from services that fail to meet the contractual agreement. The principle of presumption of liability is particularly pertinent, as the seller maintains complete control over the technological system employed, hence necessitating their obligation to demonstrate that the loss did not result from their conduct. Research findings reveal persistent fragmentation of responsibility among business entities, a convoluted complaint process, and inadequate technical and administrative coordination, resulting in the ineffectiveness of e-stamp consumer protection as stipulated from Articles 19 to 23 of the Consumer Protection Law (UUPK). This is aggravated by the public's limited inclination to assert their claim to compensation, as the reimbursement of lost monies is perceived as inadequate relative to the time, effort, and energy invested.

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