Journal of Economics, Finance and Management Studies

ISSN (print): 2644-0490, ISSN (online): 2644-0504

Volume 08 Issue 07 July 2025

Article DOI: 10.47191/jefms/v8-i7-91, Impact Factor: 8.317

Page No: 5056-5064

Analysis of the Misuse of Digital Buying and Selling Circumstances

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ABSTRACT: The rapid development of e-commerce has influenced the way consumers transact, offering convenience and speed in digital shopping. However, this phenomenon also brings new challenges in terms of consumer protection, particularly in relation to psychology-based marketing techniques that can exploit consumers' emotional states. This research aims to examine whether psychological marketing strategies, such as fear of missing out (FOMO), social proof, and urgency bias, can be categorized as a form of abuse of circumstances in e-commerce transactions in Indonesia. Using a civil law approach, this study analyzes whether marketing techniques that manipulate consumer decisions can violate the principle of free will and harm consumers. The results show that techniques such as fake countdowns and non-factual scarcity claims can create emotional distress that interferes with consumers' freedom to make rational decisions. Therefore, stricter regulations and transparency in digital marketing are needed to protect consumers from unethical practices. This research also recommends regulatory updates and increased digital literacy for consumers to raise awareness of manipulative marketing techniques. Practically, the findings contribute to the development of consumer protection policies and can serve as a basis for regulators to create regulations that are more responsive to the evolving dynamics of digital marketing.

KEYWORDS: Marketing Psychology, Misrepresentation, E-Commerce, Consumer Protection, Digital Regulation

I. INTRODUCTION

The development of digital technology has had a significant impact in many aspects of human life, especially in the world of commerce (Barus et al., 2024; Rusmiati et al., 2025). E-commerce (electronic commerce) has changed the way of transacting, replacing conventional trade that used to require physical interaction between sellers and buyers into a digital transaction that is more efficient and faster (Feriyanto et al., 2024). By using a digital system, trade between countries becomes easier without geographical restrictions (Rafianto & Surahmad, 2024). However, despite providing convenience and speed, this phenomenon also brings new challenges in terms of security, transparency, and consumer protection, especially related to the misuse of circumstances in digital buying and selling. This is important to study further, because the large number of transactions that occur on digital platforms can bring greater risks related to ethical and legal violations (Baker et al., 2021; Waehning et al., 2023).

The core of the problem to be examined in this research is whether psychology-based marketing strategies, known as psychological marketing, can be categorized as a form of abuse in the context of digital buying and selling. This research aims to analyze the extent to which marketing techniques that use psychological aspects, such as fear of missing out (FOMO), social proof, urgency bias, and manipulative framing, can influence consumers' free will in making purchasing decisions. These techniques rely on emotional and cognitive pressures that can suppress consumers' freedom to make rational decisions, which in turn can undermine the principle of free will in contract law. In the context of Indonesian civil law, this can fall under the category of abuse of circumstances to the detriment of consumers (Heinonen et al., 2023; Ilchenko et al., 2024).

There have been many previous studies related to digital marketing and e-commerce, but most of them focus on the efficiency and profit aspects of e-commerce, and its impact on economic growth (Bhatia et al., 2021; Fittler et al., 2021). However, few studies have specifically highlighted the abusive circumstances that occur in e-commerce transactions due to the use of psychology-based marketing strategies. The impact of aggressive marketing on unprotected consumers, especially on children, is lacking, however, in discussing how such marketing may violate business ethics and treaty law (Baker et al., 2021). In this research, a deeper analysis of this gap will be conducted, focusing on how psychological marketing in e-commerce practices can lead to a situation where consumers do not have free will in making transactions due to emotional pressure caused by aggressive promotions.

The urgency of this research is very high, considering the rapid development of e-commerce which is increasingly penetrating almost all aspects of people's lives. With more and more transactions being carried out digitally, there needs to be a deeper understanding of ethics in digital marketing and how legal regulations can overcome the abuse of circumstances that harm consumers. In addition, the emergence of the COVID-19 pandemic has accelerated changes in consumer behavior in online shopping, which is often done in emergency situations or with unclear information, thus opening up opportunities for abusive practices such as those that occur in live sales and time-pressured promotions (Bhatia et al., 2021; Fittler et al., 2021). This phenomenon indicates the need for stricter regulation and more intensive monitoring of digital commerce activities to ensure consumers are protected from unethical and harmful practices.

This research aims to make a significant contribution in filling the gap that exists in the literature of digital marketing and agreement law, especially in terms of psychological marketing and abuse of circumstances in digital buying and selling. The main objective of this research is to analyze whether the use of marketing strategies that utilize psychological principles such as FOMO, social proof, and urgency bias can be categorized as abuse of circumstances in the perspective of Indonesian civil law. Through this analysis, it is hoped that it can be found whether these marketing techniques have exceeded legal limits, so as to undermine consumers' freedom of will in making rational purchasing decisions.

The expected benefits of this research are divided into two aspects. Theoretically, this research will provide a new perspective in the development of knowledge in the fields of law and economics, particularly in the application of the doctrine of abuse of circumstances in online buying and selling transactions. Practically, this research will provide important information on how the doctrine of abuse of circumstances can be applied in e-commerce cases, as well as identify whether psychological marketing used in digital commerce can be classified as abuse of circumstances. The findings of this research are expected to enrich the discourse on consumer protection in the growing digital market, as well as provide recommendations to regulators to develop more adaptive and transparent regulations in the face of marketing practices that have the potential to harm consumers.

II. LITERATURE REVIEW

The Doctrine of Abuse of Circumstances

The doctrine of abuse of circumstances (misbruik van omstandigheden) emerged as a response to the imbalance of positions in contractual relationships that appear legitimate but are not born of free will, due to the utilization of weak conditions by the more dominant party (Hayati & Sudiarti, 2024). Although not explicitly regulated in the Civil Code, Indonesian courts have begun to recognize this doctrine through progressive decisions, viewing fairness as a basis for invalidating agreements that do not meet the principle of freedom of contract (Febrianto & Cahyono, 2023). This doctrine is rooted in Anglo-Saxon and Dutch legal traditions that prioritize substantive justice, not just legal formalism, thus providing protection to vulnerable parties in unequal contractual relations (Clarins, 2022).

Caveat Emptor Theory

The theory of Caveat Emptor, which comes from Latin and means "let the buyer beware", is a basic principle in contract law that states that the buyer is solely responsible for examining and evaluating goods or services before entering into a transaction. In the context of conventional trade, this means that the risk regarding the quality of the goods or services lies with the buyer, and the seller is not obliged to provide more information than what is already provided (Davies, 2018). This principle is applied in traditional markets where buyers have the opportunity to inspect goods directly before purchase, and in this case, consumers are expected to be careful in making purchasing decisions. However, in the era of digital trade, the application of this theory has become increasingly controversial, especially in the presence of information inequality between sellers and buyers. In e-commerce, buyers are often unable to physically inspect products and rely on descriptions provided by sellers (McKendrick, 2010). In the context of e-commerce, the Caveat Emptor theory faces great challenges, especially in terms of information transparency, the quality of products sold, and the potential for misuse of information. This is where fairness in transactions becomes important to ensure that consumers not only purchase based on the information provided by the seller, but also that they are protected from risks related to information manipulation or unethical marketing tactics (Mann & Roberts, 2017).

Caveat Venditor Theory

The Caveat Venditor theory, meaning "let the seller beware", is a more modern and fairer concept when compared to Caveat Emptor. In this theory, the onus is on the seller to ensure that the goods or services sold meet quality standards and do not mislead consumers. This is particularly relevant in modern transactions, especially in the context of e-commerce, where often consumers do not have the opportunity to physically inspect goods or services before making a purchase (McKendrick, 2010). This theory reflects the need for stronger protection for consumers, by placing an obligation on the seller to ensure that the products sold not only match the description provided, but also meet the expected quality standards. Given information technology and the ability of sellers to access consumer data, sellers in digital commerce should be responsible for providing accurate and non-misleading information about the products or services offered (Barlow, 2016).

Sellers are also required to avoid marketing techniques that could manipulate consumers or pressure them into making adverse impulsive decisions. This theory requires sellers to maintain integrity and honesty in promotions, and ensure that consumers have clear and sufficient access to relevant information about the goods or services being purchased. In e-commerce, the application of Caveat Venditor includes aspects such as accurate product descriptions, clarity of pricing, disclosure of information related to hidden costs, and transparent reporting of products or services. It involves raising consumer awareness, providing clear information, and protecting consumers from fraud or misinformation disseminated by sellers. The Caveat Venditor theory is more concerned with consumer protection and balancing the imbalance of power between sellers and buyers, which in some cases can be exploited by more powerful sellers, especially in the digital context where information is more easily controlled (Van Loo, 2023).

III. METHOD

This research uses the Normative Juridical method with an interdisciplinary approach, integrating legal science as the main discipline supported by economic science (Efendi & Ibrahim, 2016; Muhaimin, 2020; Nasution & Sunggono, 2016). This descriptive qualitative research aims to describe existing phenomena, focusing on the quality, characteristics, and interrelationships between activities. The methods used include surveys, observations, and interviews. Theories that support this research include the doctrine of consumer safety, abuse of circumstances, and the principles of caveat emptor and caveat venditor. This research relies on primary legal materials which include laws and regulations such as the Civil Code, GCPL, ITE Law, and PSME Regulation as the basis for analyzing legal issues. In addition, secondary legal materials in the form of legal literature, academic journals, and scientific articles are used to provide interpretation and critical analysis of existing legal norms. This combination of primary and secondary legal materials forms a strong foundation for a comprehensive and systematic legal analysis (Hardani et al., 2020; Patrisius Istiarto Djiwandono & Yulianto, 2023).

IV. RESULT AND DISCUSSION

THEORETICAL STUDY ON MARKETING PSYCHOLOGY

Marketing Psychology

Marketing psychology in the digital age focuses on a deeper understanding of consumer behavior and how it can be leveraged to create deep emotional connections between brands and consumers. This approach uses sophisticated psychological techniques that not only influence consumers' purchasing decisions, but also shape a more personalized and relevant shopping experience. For example, techniques such as creating a sense of urgency or fear of missing out (FOMO), as well as creating the illusion of product scarcity, motivate consumers to make impulse purchases. This often leads to a significant increase in sales, but at the same time, can undermine the ethical principles of marketing (Rachmad et al., 2023). In this context, businesses rely heavily on consumer data to understand emotions and behavioral tendencies that can be influenced by external stimuli.

However, while these psychological techniques are effective in increasing sales, they often raise ethical questions, especially in relation to the exploitation of consumers' psychological vulnerabilities. For example, many techniques involve emotional manipulation that can suppress consumers' freedom to make rational decisions. Consumers may feel compelled to buy products they do not really need simply because of the urgency factor or social pressure created by marketing (Ohara et al., 2025; Siregar, 2024). Therefore, clear regulations and strong ethics are needed to ensure that digital marketing not only prioritizes profit, but also respects consumer autonomy and well-being. This regulation is important to ensure fair and transparent marketing, which does not manipulate consumers' emotional and cognitive states for profit.

Marketing Psychology Concept

Consumer psychology as a concept in marketing focuses on understanding how internal processes within consumers, such as perceptions, motivations, and emotions, influence their purchasing decisions. By leveraging this understanding, companies can design marketing strategies that are more personalized and effective, and more responsive to consumer needs. This approach allows businesses to create stronger emotional bonds with consumers, strengthen their loyalty to brands, and encourage repeat purchases (Istiqomah et al., 2024). However, while this concept has great potential to improve marketing effectiveness, there is a great risk associated with the misuse of psychological influence on consumers, especially those who are less critical or educated in terms of marketing psychology. This can lead to irrational consumer behavior, such as buying products they don't need driven by clever but manipulative marketing strategies.

Analysis of the Misuse of Digital Buying and Selling Circumstances

The importance of maintaining balance in the application of marketing psychology lies in how these techniques are used with ethics and transparency. The use of overly aggressive techniques, such as creating a fear of being left behind or encouraging social conformity, can exploit consumers' psychological vulnerabilities, which in turn can undermine consumer trust in the market (Putra, 2025). Therefore, it is crucial to ensure that psychobased marketing focuses not only on achieving short-term profits, but also on sustaining mutually beneficial relationships between brands and consumers. This can be achieved through the implementation of clear and strict regulations, which set restrictions on manipulative techniques in digital marketing, so that consumers retain the freedom to make rational and informed purchasing decisions.

Principles of Marketing Psychology

The basic principles of marketing psychology include priming, reciprocity, social proof, decoy effect, and scarcity, all of which are designed to subtly but effectively influence consumer behavior. Priming involves planting a specific idea or stimulus that influences consumers' perception of a product without them realizing it. Reciprocity utilizes social norms to create a sense of obligation for consumers to give back after receiving something, such as a discount or bonus. Social proof utilizes social influence to convince consumers that the product is popular or liked by many people, while the decoy effect creates alternative choices that make the main choice seem more attractive. Finally, scarcity creates a sense of scarcity to motivate consumers to act quickly. While these techniques have proven effective in increasing sales conversions, they can also raise ethical concerns if used in a non-transparent manner. Many of these techniques tap into consumers' cognitive and emotional biases, which can influence them to make purchase decisions that are not entirely rational.

As the use of these psychology marketing principles can run the risk of being perceived as manipulative, it is important for businesses to act ethically and limit the application of these techniques so as not to harm consumers. To ensure that psychology-based marketing remains fair and transparent, clear regulations are needed that limit the use of these techniques. The use of these principles should take into account the autonomy of consumers in making rational decisions and provide them with honest and transparent information. With proper oversight, the principles of psychology marketing can be used to create a more personalized and effective shopping experience without undermining consumer trust or jeopardizing their well-being (Asmoro Djati, 2020).

Marketing Psychology as a Sales Strategy

Marketing psychology has now developed into one of the most effective sales strategies, especially by leveraging consumer data to create a more personalized experience. Digital technology allows marketers to gather information about consumer preferences and behaviors, which are then used to design marketing campaigns that better suit individual needs. These techniques not only increase consumer engagement, but can also increase loyalty and purchase frequency. For example, the use of algorithms to recommend products based on previous searches or purchases is one form of applying consumer psychology in digital marketing. These techniques are highly effective, but they also raise ethical concerns, especially when personal data is used without transparency or clear permission from consumers.

However, while this strategy can accelerate sales, there is a huge risk associated with emotional exploitation of consumers. Consumers who may be in a vulnerable financial or emotional state may be trapped into impulsive purchase decisions due to psychological manipulation, such as FOMO or social pressure. It is therefore imperative that businesses execute these marketing strategies with integrity, ensuring that the techniques used do not undermine consumers' freedom to make rational and informed decisions. With proper regulation and ethical awareness, marketing psychology can be used to enrich the consumer experience, rather than exploiting their weaknesses for profit (Siregar, 2024).

MARKETING PSYCHOLOGY AS A MISUSE OF CIRCUMSTANCES

Marketing Psychology as a Misuse of Circumstances

Changes in consumer behavior caused by digitalization have accelerated the development of e-commerce, with platforms such as T offering ease of transactions and various attractive discounts through digital marketing techniques. One of the most frequently used strategies in e-commerce is psychological marketing, which aims to build a strong emotional connection between brands and consumers. These techniques include creating false urgency through countdowns or claims of product scarcity that do not match reality. While these techniques can motivate consumers to buy products, they often encourage irrational purchasing decisions. Consumers' reliance on such platforms may increase, as they feel they must buy immediately to avoid missing out. However, this practice risks misleading consumers and undermining their freedom of will (Amory et al., 2025). In a legal context, marketing practices that rely on this psychological manipulation can be considered an abuse of circumstances to the detriment of consumers. Therefore, there is a need for stricter and more adaptive regulations in the digital marketing industry to ensure that consumers are not exploited emotionally or cognitively. These regulations are also expected to keep purchase decisions rational and transparent, and avoid exploiting consumers' psychological weaknesses.

Analysis of the Misuse of Digital Buying and Selling Circumstances

Psychology-based marketing regulations must be adapted to the times to remain relevant and effective in protecting consumers. Without adequate oversight, manipulative techniques such as FOMO (fear of missing out) or social pressure may continue to flourish, causing consumers to feel compelled to buy something they don't need. This can undermine market integrity and consumer trust in the companies involved. Greater oversight is needed to ensure that digital marketing adheres to the principles of ethics and transparency. Clear regulations will also help prevent the use of manipulative techniques that violate consumers' rights to make purchasing decisions based on honest and accurate information (Prayogi & Nufzatutsaniah, 2025). Thus, strict oversight will ensure that psychology-based marketing does not sacrifice consumer welfare in favor of short-term profits for the company.

Event Marketing Tactics and Psychological Influence

Event marketing tactics that use elements of false urgency, such as fake countdowns or limited stock claims, are becoming very popular in digital marketing, especially in e-commerce. These techniques capitalize on the emotional distress of consumers, who feel the need to act immediately or lose the opportunity. This kind of event marketing is often used to create the impression that the product will run out in a short time or that the discount is a rare opportunity (Dewi et al., 2025). This drastically increases sales conversions, but on the other hand, it also creates an emotional dependency on the platform using such techniques. Consumers often feel trapped in situations that require them to make impulse purchases without considering whether the product is actually needed. This practice, while effective for increased sales, also has the potential to undermine consumers' free will in making rational decisions. In this context, it is important to recognize that event marketing tactics that tap into consumers' emotional dependency potentially violate consumer rights and demand stricter regulation.

While techniques such as fake countdowns or limited stock claims can boost sales, the use of these manipulative techniques should be more closely monitored by regulators to ensure that consumers are not forced to make irrational decisions. Success in event marketing based on psychological manipulation must be balanced with the responsibility of companies to act transparently and fairly. Marketing that capitalizes on consumers' psychological tendencies must be conducted with high ethics so as not to mislead or harm consumers in the long run. Therefore, strict regulations are needed to prevent misuse of circumstances in digital marketing. This oversight will not only protect consumer rights but will also maintain market integrity by ensuring that psychology-based marketing strategies remain within ethical and legal boundaries.

Technology Engagement and Digital Promotion Ethics

Immersive technologies such as Augmented Reality (AR) and Virtual Reality (VR) are increasingly being used in digital marketing strategies to enrich consumers' shopping experience. Through these technologies, consumers can interact with products more intensely, as if they are in the real world even though they are only in the virtual world. The use of AR and VR creates a more immersive experience, which can increase consumer interest in buying products (Anderson et al., 2023). However, behind these benefits, there is a greater potential risk of psychological manipulation, as these technologies can create unrealistic expectations of the product. For example, promotions that use AR or VR to portray a higher quality product than in reality may mislead consumers. This kind of manipulation not only risks ruining consumers' shopping experience but may also violate the principle of transparency stipulated in consumer protection laws.

As the involvement of these technologies in digital marketing grows, clear regulations and strict supervision are crucial. The use of AR and VR technologies to manipulate consumer perceptions should be avoided, and companies need to adhere to ethical standards in their digital promotions (Setiawan et al., 2025). With proper regulation in place, marketing using immersive technologies can be done in a way that is transparent and not misleading. This is important to ensure that consumers are not harmed by promotions that create unrealistic expectations or manipulate their perception of product quality. In addition, oversight of the use of these technologies will protect consumers from psychological exploitation and keep the digital commerce ecosystem fair and transparent.

Marketing Psychology and Defects of Will in Agreements

Psychological marketing techniques, such as the use of fake countdowns or claims of product scarcity, can create emotional pressure that influences consumers' decisions to buy products impulsively. In treaty law, one of the main requirements for the validity of an agreement is the free will of the parties involved. If an agreement is formed under irrational or manipulative pressure, as happens when marketing psychology is used to manipulate purchasing decisions, then the agreement can be considered defective in its will. Article 1320 of the Civil Code stipulates that agreements that are not born of free and rational will can be canceled (Anitasari & Zoniarti, 2024; Rahma et al., 2022). Therefore, the application of marketing psychology in e-commerce that encourages emotional purchase decisions can damage the validity of the agreement, which in turn has the potential to reduce consumer confidence in digital marketplaces.

For this reason, it is important for businesses to ensure that the marketing strategies they use do not lead to the reduction of consumers' free will. Applying ethical marketing psychology means considering consumers' right to make decisions free from manipulative influences. This is closely related to the principles of transparency and fairness enshrined in Indonesian contract law. Regulations that strengthen the provisions on defects of will in agreements arising from manipulative practices will be necessary to ensure better consumer protection. Strict oversight of psychology-based marketing strategies will prevent unethical practices that harm consumers and maintain the integrity of Indonesia's covenant law system.

Digital Marketing Regulation and Consumer Protection

Manipulative marketing involving techniques such as fake countdowns or limited stock claims potentially violates the principle of transparency stipulated in the Consumer Protection Law (UUPK). According to Articles 4 and 9 of the GCPL, businesses are obliged to provide true and not misleading information to consumers, as well as maintain good faith in every transaction. Marketing that uses manipulative tactics that hide facts or provide false information can harm consumers, so business actors who violate this provision can be subject to criminal or civil sanctions (Risky Tara Nabita Sari & Satino, 2024). Therefore, clearer regulations on digital marketing, especially those involving manipulative techniques, should be implemented immediately to protect consumers and maintain the integrity of digital markets.

Strict enforcement of such violations is also important to provide a deterrent effect to businesses that engage in practices that harm consumers. There is also a need for greater scrutiny of digital marketing techniques that may violate the principle of transparency and fail to fulfill the obligation to provide correct information. Effective regulation will ensure that consumers are not exploited in the digital trade ecosystem and can make well-informed purchasing decisions (Risky Tara Nabita Sari & Satino, 2024). Given the rapid development of technology and digital marketing, consumer protection must be strengthened with regulatory updates that are able to keep pace with new trends in digital marketing, ensuring that transparent and fair marketing practices are prioritized.

Consumer Protection in Electronic Commerce

The use of manipulative tactics in digital promotions, such as fake countdowns or limited offers that do not correspond to reality, potentially violates Article 28 of the ITE Law which regulates the prohibition of disseminating misleading information in electronic transactions. Marketers who use these psychological manipulation techniques to influence consumers may be subject to criminal sanctions, as a form of protection for consumer rights. This shows that the state takes seriously the importance of transparency and honesty in electronic transactions. The criminal sanctions provided also aim to have a deterrent effect on business actors who try to deceive or manipulate consumers for personal or corporate gain (Haidarrani et al., 2024). Therefore, the implementation of strong regulations to protect consumers is necessary in the rapidly evolving digital commerce ecosystem. These regulations should include policing manipulative tactics and ensuring effective protection for consumers, so that they are not harmed by unfair marketing practices.

In addition, to ensure fairness in digital commerce, it is imperative for the government to continuously update and tighten regulations related to consumer protection, particularly with regard to digital marketing. Strict monitoring should be done of companies operating in the e-commerce space to ensure that they adhere to the principle of transparency and avoid practices that could exploit consumers. Effective oversight will help create a safer and more trustworthy digital marketplace, where consumers can make informed and honest purchasing decisions.

Principles of Transparency in Electronic Commerce

Government Regulation No. 80/2019 (PP PMSE) regulates the obligation of business actors to provide clear and accurate information to consumers in every digital transaction. This provision emphasizes the importance of transparency in the delivery of information to consumers, so that they can make informed decisions based on accurate data. Promotional practices such as fake countdowns or limited stock claims that are not factual are violations of the transparency principle stipulated in the PMSE Regulation. The obligation to provide honest and non-misleading information to consumers is very important, especially in electronic transactions where consumers cannot physically inspect the goods before purchasing (Telaumbanua & Dananjaya, 2025). Therefore, business actors who violate this provision may be subject to administrative, criminal, or civil sanctions in accordance with the harm caused.

This regulation also emphasizes that business actors are responsible for ensuring integrity in transactions, which includes the delivery of accurate, honest, and accountable information. In the context of e-commerce, which often involves psychology marketing-based promotions, the principle of transparency is very important so that consumers do not feel forced or trapped into purchasing decisions based on misleading information. In addition, business actors must maintain transaction integrity by not spreading claims that could create false expectations or mislead consumers. Through clear regulations and strict supervision, it is hoped that a fair market will be created, where consumers can feel safe and protected.

Application of Marketing Psychology in the Framework of Agreement Law

Article 1320 of the Civil Code stipulates that an agreement is only valid if it is based on free will, without any mistake, coercion, or fraud. The application of marketing psychology that utilizes false urgency or scarcity claims can lead to a defect of will in the agreement, which can lead to the cancellation of the agreement. In this case, psychological manipulation applied in digital marketing can undermine consumers' freedom of will, which is one of the key conditions in the formation of a lawful agreement (Arrodli et al., 2024). Therefore, it is imperative for regulators and authorities to closely monitor marketing techniques that can suppress consumers' free will, such as false scarcity or urgency claims that are not based on reality. If there is evidence of manipulation in the purchase process, then the agreement can be voided due to a defect in will, allowing consumers to obtain legal protection.

Stricter regulation of digital marketing is also needed to ensure that the psychology-based marketing techniques used do not violate the principle of free will in contract law. Marketing that utilizes consumer psychology must be carried out with due regard to ethics and existing regulations, so as not to violate consumers' rights to make rational and informed decisions. In addition, business actors need to be accountable for marketing practices that can affect consumer freedom of will, and must comply with existing regulations to maintain transaction integrity and prevent manipulative practices that harm consumers.

RESEARCH IMPLICATIONS

This research makes a significant contribution to the understanding of the interaction between marketing psychology and covenant law, particularly in the context of e-commerce in Indonesia. The findings of this research clarify the potential risk of abusive circumstances posed by psychology-based marketing techniques, such as FOMO and false scarcity, which can undermine consumers' freedom of will. The practical implication is the importance of regulatory updates and stricter supervision in the e-commerce industry, to ensure better protection for consumers from manipulative marketing practices. In addition, the findings provide insights for policymakers and regulators to formulate clearer rules that are responsive to developments in digital marketing, as well as educate consumers about their rights in digital transactions.

RESEARCH LIMITATIONS

This research has several limitations, including the limited scope that only focuses on the psychology of marketing in e-commerce and the abuse of circumstances in the perspective of Indonesian civil law. This research cannot cover all types of digital marketing techniques used in various e-commerce platforms, given the continuous development of digital innovation in the marketing world. In addition, this research also does not conduct a broader empirical analysis of consumer behavior in the face of manipulative marketing practices. These limitations invite further research that can explore in more depth the impact of psychological marketing on consumers in various e-commerce sectors and more comprehensive regulations.

CONCLUSIONS

Misbruik van omstandigheden in Indonesian contract law can occur through manipulative marketing techniques, such as the creation of false urgency, non-factual scarcity claims, and the use of authoritative figures such as doctors or celebrities to influence consumers. These techniques create psychological pressure that interferes with consumers' free will, contrary to Article 1320 of the Civil Code which requires agreements to be born of free will without mistake, coercion, or fraud. Misleading psychological marketing practices, such as fictitious countdowns or untrue claims, violate the principles of honesty and transparency in the GCPL (Articles 4, 9, and 10), as well as Article 28 paragraph (1) of the ITE Law which prohibits misleading information in electronic transactions. The involvement of professional figures such as doctors in the promotion of health products also leads to violations of the professional code of ethics and has the potential to harm consumers. Although the doctrine of abuse of circumstances has not been explicitly regulated in the Civil Code, its application in jurisprudence shows relevance in protecting consumers from unethical marketing practices. However, inconsistencies in the application of jurisprudence and legal lacunae related to psychological manipulation in digital marketing need to be addressed immediately, because psychological marketing that is not balanced by ethics and regulation can damage consumer confidence and the integrity of the digital trade ecosystem.

RECOMMENDATION

In the face of digital marketing practices that manipulatively exploit marketing psychology, the state needs to take proactive steps through the establishment of more specific and comprehensive regulations, such as revising the PK Law and strengthening the norms in the PMSE Regulation to prohibit practices such as false urgency, false scarcity, or FOMO techniques that exploit consumers' psychological biases. Stricter law enforcement through institutions such as BPKN and OJK needs to include an integrated monitoring mechanism for digital content, including live sales and misleading endorsements, as well as proportional administrative, civil, and criminal sanctions. In addition, cooperation contracts between businesses and third parties such as influencers should be more accountable, include rights and obligations, information transparency, and legal risk mitigation. The state should also encourage cross-sector collaboration to establish digital marketing ethical standards with binding guidelines, and tighten the involvement of health workers in product endorsements. Consumer protection should also be strengthened through increased digital literacy, so that people can recognize and reject manipulative tactics. The involvement of academics in formulating evidence-based and multidisciplinary policies, integrating psychology, technology and consumer protection perspectives, will be crucial to shaping public policies that protect consumers and support ethical and equitable digital innovation.

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