



## CONSUMER LEGAL PROTECTION IN STANDARD AGREEMENTS: A SYSTEMATIC LITERATURE REVIEW OF CIVIL LAW RESEARCH IN INDONESIA

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### ABSTRACT

*Standard-form contracts are contractual instruments widely used in relationships between business actors and consumers because they provide efficiency and legal certainty. However, the practice of standard-form contracts often raises issues of legal protection due to the imbalance of bargaining power between the parties. This article aims to systematically analyze the development of studies on consumer legal protection in standard-form contracts based on civil law research in Indonesia. The method employed is a Systematic Literature Review (SLR) by examining national journal articles published during the period 2015–2024 and indexed in Google Scholar, Garuda, and SINTA databases. The literature selection process followed the PRISMA principles and was analyzed using a thematic approach. The findings indicate that research on consumer legal protection in standard-form contracts has increased, yet remains dominated by normative juridical approaches. The most frequently discussed themes include the imbalance of bargaining power, standard clauses that disadvantage consumers, and the limitation of the principle of freedom of contract. Meanwhile, empirical studies and discussions concerning standard-form contracts in digital transactions remain relatively limited. This study concludes that consumer legal protection in standard-form contracts constitutes a structural issue in civil law, requiring the strengthening of empirical approaches and the adaptation of legal frameworks to the dynamics of modern transactions.*

**Keywords:** Consumer Protection; Standard-Form Contracts; Civil Law; Contract Law; Systematic Literature Review.

## 1. INTRODUCTION

The development of modern economic activities has driven the use of standard-form contracts as a primary instrument in various transactions, both for goods and services. Standard-form contracts are viewed as a means to create efficiency, legal certainty, and transactional speed, particularly in relationships between business actors and consumers. However, behind this efficiency, standard-form contracts often give rise to legal problems because they are drafted unilaterally by business actors, leaving consumers only with the option to accept or reject the contract without any room for negotiation. This condition creates an imbalance in contractual relations that potentially disadvantages consumers as parties who are economically and informationally weaker (Hardy & McCrystal, 2022; Khawaldeh et al., 2024).

From a civil law perspective, standard-form contracts challenge the application of fundamental principles of contract law, particularly the principles of freedom of contract and consensualism. Freedom of contract, which theoretically guarantees equality between the parties in determining contractual terms, in practice often becomes illusory in standard-form contracts. Agreement does not arise from a balanced meeting of wills, but rather from unilateral acceptance of pre-determined clauses. A number of civil law studies argue that this condition has the potential to shift the meaning of contractual justice and weaken consumer protection (Maugeri, 2022; Saragih et al., 2025; Schmitz, 2022).

In response to this imbalance, the state intervenes through consumer protection regulation. The Consumer Protection Law serves as a legal instrument that limits freedom of contract with the aim of protecting consumers' interests, particularly from harmful standard clauses. Various studies show that, normatively, these regulations provide a relatively strong foundation for protection, especially through restrictions on exoneration clauses and the recognition of consumer rights. Nevertheless, the effectiveness of such legal protection remains debated, given weak law enforcement, low levels of consumer legal literacy, and limited access to dispute resolution mechanisms (Patel et al., 2025; Suhendar & Halimi, 2023; Wang et al., 2024).

A number of civil law studies in Indonesia have examined standard-form contracts and consumer protection from various perspectives, both through normative analyses of statutory regulations and doctrinal studies of contract law principles. However, these studies are dispersed across numerous publications with diverse focuses and approaches.

To date, there has been limited research that systematically maps developments, thematic trends, and research gaps related to consumer legal protection in standard-form contracts. This condition makes it difficult to obtain a comprehensive overview of the direction and contribution of civil law research in this field (Gustafsson et al., 2023; Kumar et al., 2023).

Based on these conditions, there is a need for a study capable of systematically integrating and synthesizing the findings of previous research. A Systematic Literature Review (SLR) is considered a relevant approach to address this need, as it enables researchers to conduct structured and transparent searches, selections, and analyses of the literature. Through an SLR, research trends, dominant themes, and underexplored research gaps can be identified, thereby providing a theoretical contribution to the development of contract law and consumer protection in Indonesia.

Therefore, this article aims to systematically analyze the civil law research literature in Indonesia that addresses consumer legal protection in standard-form contracts. It seeks to map research trends, identify dominant focuses of legal protection, and reveal existing research gaps. In doing so, this study is expected to make an academic contribution by enriching the discourse on contract law and to serve as a conceptual reference for the development of future research and consumer protection policies in Indonesia.

## **2. RESEARCH METHODE**

This study employs a Systematic Literature Review (SLR) as the primary research method. SLR was chosen because it enables researchers to conduct a systematic, transparent, and replicable process of searching, selecting, and analyzing the literature to map the development of scholarly studies related to consumer legal protection in standard-form contracts within Indonesian civil law (Sauer & Seuring, 2023). This approach is used to identify research trends, dominant thematic focuses, and existing research gaps that remain open in the current body of literature.

This Systematic Literature Review (SLR) aims to:

- 1) Identify the development and research trends concerning consumer legal protection in standard-form contracts in Indonesia.
- 2) Examine the aspects of legal protection most frequently discussed in the civil law literature.

- 3) Identify existing research gaps that have the potential to be further developed in future studies on contract law.

### **Research Questions**

Based on these objectives, the research questions of this Systematic Literature Review (SLR) are formulated as follows:

*RQ 1: What are the research trends regarding consumer legal protection in standard-form contracts in Indonesia?*

*RQ 2: Which aspects of legal protection are dominantly discussed in civil law studies related to standard-form contracts?*

*RQ 3: What research gaps remain underexplored in the literature on standard-form contracts in Indonesia?*

### **Literature Search Strategy**

The literature search was conducted through several relevant national academic databases, namely Google Scholar, Garuda (Garba Rujukan Digital), and SINTA-indexed journal portals. The selection of these databases was based on the consideration that the majority of scholarly publications in the field of law in Indonesia are indexed on these platforms.

The keywords used in the search process included consumer legal protection, standard-form contracts, standard contracts, contract law, and civil law. These keywords were applied both individually and in combination to obtain relevant and comprehensive search results.

### **Inclusion and Exclusion Criteria**

To ensure the quality and relevance of the literature analyzed, this study establishes the following inclusion and exclusion criteria.

#### **a) Inclusion criteria include:**

- Scholarly journal articles that discuss consumer legal protection and/or standard-form contracts.
- Articles within the field of civil law.
- Articles published within the period 2015–2024.
- Articles written in Indonesian.

- Articles available in full-text format.
- b) Exclusion criteria include:**
  - Articles that do not specifically address standard-form contracts or consumer protection.
  - Publications in the form of undergraduate theses, master's theses, doctoral dissertations, conference proceedings, or non-scholarly opinions.
  - Articles that are not fully accessible.

### **Literature Selection Procedure**

The literature selection process was conducted in stages by adopting the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) principles. The selection stages included:

- a) **Identification**, namely the collection of all articles obtained from the initial search results based on predefined keywords.
- b) **Screening**, by removing duplicate articles and selecting titles and abstracts in accordance with the research focus.
- c) **Eligibility**, namely assessing the suitability of articles based on the established inclusion and exclusion criteria.
- d) **Inclusion**, namely determining the final set of articles to be analyzed in depth in this study.

The selected articles were analyzed using thematic analysis by grouping the main findings according to themes of consumer legal protection in standard-form contracts. The analysis focused on patterns of legal argumentation, the research approaches employed, and substantive findings related to consumer protection and the imbalance of bargaining positions between the parties in standard-form contracts.

## **3. RESULT AND DISCUSSION**

### **RESULT**

#### **Results of Literature Identification and Selection**

Based on the literature search conducted through Google Scholar, Garuda, and SINTA-indexed journals using keywords related to consumer legal protection and standard-form contracts, a number of articles relevant to the research topic were identified. The initial identification stage yielded articles that generally discussed

contract law, consumer protection, and the practice of using standard-form contracts across various transactional sectors.

The next stage involved preliminary screening by eliminating articles whose titles and abstracts did not specifically address standard-form contracts or consumer legal protection. In addition, duplicate articles and non-journal publications such as undergraduate theses, master's theses, and conference proceedings were excluded from the initial list. This process aimed to ensure that the analyzed literature was directly relevant to the focus of the SLR.

At the eligibility stage, the remaining articles were examined more thoroughly through full-text reading. The assessment was conducted based on the substantive relevance to issues of consumer legal protection in standard-form contracts and their connection to the civil law perspective. Through this process, a set of articles that met all inclusion criteria was identified and designated as the final literature analyzed in this study.

### **General Characteristics of the Analyzed Articles**

The analysis indicates that research on consumer legal protection in standard-form contracts in Indonesia has increased over the past decade. Most of the analyzed articles were published after 2017, reflecting growing academic attention to issues of imbalance in bargaining positions between contracting parties, particularly between business actors and consumers.

In terms of research approach, the majority of articles employed a normative juridical method, focusing on the analysis of statutory regulations, principles of contract law, and civil law doctrines. Only a small number of studies combined normative analysis with empirical data, such as case studies or court decision analyses. This finding suggests that studies on standard-form contracts in Indonesia remain predominantly doctrinal in nature.

### **Dominant Themes in the Literature**

Based on the thematic analysis of the selected articles, several dominant themes emerged.

- 1) **The first theme** concerns the imbalance of bargaining power between consumers and business actors. Most studies highlight that standard-form

contracts are typically drafted unilaterally by business actors, placing consumers in a weak position with little or no opportunity to negotiate contractual terms. This condition is viewed as contrary to the principle of equality of parties in contract law.

- 2) **The second theme** relates to standard clauses that are detrimental to consumers, particularly exoneration clauses that limit or exclude the liability of business actors. The literature indicates that such clauses are still frequently found in standard-form contracts, despite normative restrictions imposed by consumer protection regulations.
- 3) **The third theme** focuses on the role of the state and legal instruments in providing consumer protection. The analyzed articles emphasize the importance of the Consumer Protection Law as the primary instrument for correcting contractual imbalances. However, several studies also point to weak law enforcement and low consumer awareness as major obstacles to the effectiveness of legal protection.

### **Focus of Consumer Legal Protection Analysis**

The SLR results show that consumer legal protection in standard-form contracts is generally analyzed through two main approaches: preventive protection and repressive protection. Preventive protection is realized through restrictions on standard clauses that are harmful to consumers, while repressive protection relates to dispute resolution mechanisms when violations of consumer rights occur.

Nevertheless, most articles place greater emphasis on the normative aspects of preventive protection, while discussions on the effectiveness of repressive protection such as dispute resolution through courts or alternative mechanisms remain relatively limited. This indicates a tendency in the literature to prioritize normative ideals over practical implementation.

### **Research Gaps**

Based on the analysis, research on consumer legal protection in standard-form contracts in Indonesia still reveals several gaps. First, there is a lack of empirical studies that directly capture consumers' experiences in dealing with standard-form contracts.

Second, there is limited research linking standard-form contracts to the development of digital transactions and platform-based economies.

Moreover, relatively few studies comprehensively examine the role of law enforcement agencies and consumer protection institutions in enforcing the rights of consumers harmed by standard-form contracts. These gaps present opportunities for future research that is more contextual and application-oriented.

Overall, the results of the SLR indicate that studies on consumer legal protection in standard-form contracts in Indonesia have developed significantly; however, they remain largely dominated by normative approaches and have not yet fully addressed empirical dimensions and challenges in legal implementation. These findings provide an important foundation for further discussion on the effectiveness of legal protection and the future direction of contract law research.

## **DISCUSSION**

### **Consumer Legal Protection in Standard-Form Contracts as a Structural Issue in Civil Law**

The SLR results indicate that consumer legal protection in standard-form contracts constitutes a structural issue in modern civil law. Standard-form contracts arise from the need for efficiency and transactional certainty; however, in practice they often place consumers in a weaker position than business actors. This condition creates an imbalance in contractual relations that directly affects the effectiveness of the principle of freedom of contract. A number of studies emphasize that freedom of contract in standard-form contracts is illusory, as consumers have no bargaining power over the contractual terms (Hoffman, 2023; McColgan, 2025).

From a civil law perspective, this situation reflects a shift in the meaning of consensualism. Agreement no longer results from a meeting of equal wills, but rather from unilateral acceptance of clauses drafted by business actors. The literature analyzed through this SLR consistently views this condition as a deviation from the fundamental principles of contract law that place parties on an equal footing (Cassar, 2023).

### **Standard Clauses and the Challenge to Contractual Justice**

The SLR findings show that standard clauses particularly exoneration clauses are a primary focus in studies of consumer legal protection. Such clauses are considered



capable of eliminating business actors' liability and disproportionately shifting risk to consumers. Civil law scholarship regards this practice as contrary to the principles of contractual justice and good faith in contracts (Dagan & Dorfman, 2022; Ukur et al., 2025).

Nevertheless, the SLR also reveals that most studies continue to frame contractual justice within a normative perspective. Research tends to emphasize prohibitions on certain standard clauses as regulated by statutory law, without in-depth analysis of their actual impact on consumers' positions. This indicates that contractual justice in standard-form contracts is still understood largely as an ideal concept, not yet fully tested in the practical realities of legal relations between business actors and consumers (Christie et al., 2022; Suhendar et al., 2023).

### **The Role of the State and the Effectiveness of Consumer Protection Instruments**

The literature analyzed through the SLR positions the state as a key actor in correcting imbalances in contractual relations through consumer protection regulation. The Consumer Protection Law is viewed as a normative instrument that limits freedom of contract in order to protect weaker parties. Several studies assert that state intervention in contract law is a logical consequence of the proliferation of standard-form contracts in modern society (Jaspers & Pearson, 2022; Silva et al., 2024).

However, the SLR also highlights a gap between legal norms and implementation. Many studies point out that weak law enforcement, low levels of consumer legal literacy, and limited access to dispute resolution mechanisms hinder the effective operation of legal protection (Patel et al., 2025). Thus, the effectiveness of consumer protection is determined not only by the existence of regulations, but also by institutional capacity and public legal awareness.

### **The Dominance of Normative Approaches and Its Implications for Legal Scholarship**

One important finding of this SLR is the dominance of the normative juridical approach in studies of consumer legal protection in standard-form contracts. This dominance reflects the general character of legal research in Indonesia, which remains focused on the analysis of statutes and legal doctrine. While this approach is essential for maintaining normative consistency, the SLR results indicate that its limitations lead

to a lack of understanding of the social realities faced by consumers (Wasaya et al., 2024).

The scarcity of empirical research causes contract law to be understood primarily as a normative system detached from practice. The analyzed literature suggests the need to develop interdisciplinary approaches that integrate sociological and economic dimensions in order to understand standard-form contracts as complex socio-legal phenomena (Beckers, 2022).

### **Consumer Legal Protection in the Context of Modern Transactional Developments**

The SLR also shows that studies on standard-form contracts have not fully responded to the dynamics of modern transactions, particularly in the context of digital transactions. In platform-based digital transactions, consumers are almost always bound by standard contracts agreed to electronically without any negotiation process. Existing literature remains relatively limited in discussing the implications of electronic standard-form contracts for consumer protection (Chen, 2025).

This limitation indicates that contract law must be re-examined to adequately respond to technological developments and new business models. Consumer legal protection in standard-form contracts cannot be separated from social and economic change, and therefore requires a more adaptive and progressive legal analytical approach (Hidayati et al., 2025).

### **Theoretical Implications and Directions for Future Research**

Based on the above discussion, this SLR provides the theoretical implication that contract law particularly regarding standard-form contracts should be understood as a non-neutral instrument, imbued with power relations between business actors and consumers. Consumer legal protection must be positioned as an integral part of efforts to realize substantive justice in civil law (Schmitz, 2022).

This discussion also indicates that future research should be directed toward empirical studies, court decision analyses, and investigations of consumer protection in digital transactions. In this way, the development of contract law scholarship in Indonesia can move from normative critique toward the formulation of more contextual and applicable legal solutions.

#### 4. CONCLUSION

Based on the results of the Systematic Literature Review (SLR) of civil law research in Indonesia, it can be concluded that studies on consumer legal protection in standard-form contracts have shown a steadily increasing trend over the past decade. This confirms that standard-form contracts have become a central issue in modern contract law, alongside the growing prevalence of transactional practices that place consumers in a relatively weaker position. These findings address the first research question (RQ1), indicating that academic attention to consumer protection in standard-form contracts has developed significantly, although it remains largely concentrated on normative analysis.

In response to the second research question (RQ2), the SLR findings demonstrate that the most dominantly discussed aspects of legal protection in the literature include the imbalance of bargaining power between the parties, the existence of standard clauses that are detrimental to consumers, and the limitation of the principle of freedom of contract through regulatory intervention. The literature consistently views standard-form contracts as a type of contract that has the potential to obscure the principles of equality and consensualism in civil law. Nevertheless, discussions of legal protection are still predominantly framed within an ideal normative context, emphasizing contractual justice and good faith, without being sufficiently balanced by adequate empirical studies.

Furthermore, with regard to the third research question (RQ3), this SLR identifies clear research gaps. These gaps are evident in the limited number of empirical studies that portray consumers' real experiences in dealing with standard-form contracts, the lack of in-depth analysis of the effectiveness of dispute resolution mechanisms, and the insufficient attention given to standard-form contracts in the context of digital transactions and platform-based economies. These gaps indicate that the development of contract law studies in Indonesia still requires a more contextual approach that is responsive to socio-economic dynamics.

From a theoretical perspective, this SLR article contributes to strengthening the understanding that consumer legal protection in standard-form contracts is not merely a technical contractual issue, but rather a structural issue in civil law related to power relations between the parties. By mapping dominant themes and emerging research directions, this SLR underscores the need for a paradigm shift from a normative-

dogmatic approach toward a more integrative framework, including the strengthening of empirical and interdisciplinary dimensions.

From a practical standpoint, the findings of this SLR imply that efforts to protect consumers cannot rely solely on the existence of regulations, but must also involve strengthening law enforcement, enhancing consumer legal literacy, and adapting contract law to the development of digital transactions. Accordingly, this article is expected to serve as a conceptual reference for academics, legal practitioners, and policymakers in formulating more effective and equitable consumer protection strategies in the practice of standard-form contracts in Indonesia.

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