

AI-Powered Autonomy: Reforming Digital Privacy in Dominant Markets Through Consumer Protection Framework

Moch. Marsa Taufiqurrohman ^a  , **Tarsisius Murwadi** ^a ,
Helza Nova Lita ^a , **Vicko Taniady** ^b 

^a Faculty of Law, Universitas Padjadjaran, Bandung, Indonesia

^b Faculty of Law, Monash University, Melbourne, Australia

 Corresponding email: moch23009@mail.unpad.ac.id

Abstract

This research examines how artificial intelligence and algorithmic systems deployed by dominant digital platforms, particularly in Indonesia's e-commerce, undermine consumer autonomy through extensive data harvesting and preference manipulation. The study aims to analyze these AI-driven mechanisms against the consumer protection principles set out in Law No. 8/1999, particularly regarding consumers' rights to accurate information and protection from deceptive practices. The research problem centers on the interpretive legal analysis of whether AI-powered personalization and opaque algorithmic decision-making violate consumer protection obligations, specifically transparency requirements and honest business practices mandated by Indonesian Consumer Protection Law. This study employs a doctrinal legal analysis methodology, incorporating a comparative assessment of Indonesian consumer law against the European Union's regulatory framework, examining consumer protection frameworks, and conducting comparative case studies from global jurisdictions to develop comprehensive regulatory solutions. The

research proposes an AI-Consumer Protection Framework requiring dominant platforms to provide clear, comprehensible information about algorithmic processes affecting consumers, ensuring compliance with transparency obligations under Articles 4 and 7 of the Consumer Protection Law. Findings reveal that current AI practices by digital platforms often violate consumer rights through manipulative algorithms and insufficient disclosure mechanisms. The study concludes that implementing mandatory algorithmic transparency and explainable AI practices would effectively safeguard consumer autonomy while ensuring fair business practices in digital markets. The proposed framework establishes governance structures that uphold consumer rights, promote algorithmic accountability, and support equitable digital commerce while balancing technological innovation with fundamental consumer protections required by Indonesian law.

Keywords

Algorithmic Transparency, Consumer Protection, Digital Rights, AI Governance, Consumer Autonomy.

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Introduction

The proliferation of artificial intelligence and algorithmic systems in digital markets has fundamentally transformed the landscape of consumer protection, creating unprecedented challenges for traditional regulatory frameworks.¹ Contemporary digital platforms deploy sophisticated AI-driven mechanisms that exploit consumer behavioral biases through extensive data harvesting and preference manipulation, raising critical concerns about consumer autonomy and the adequacy of existing legal protections.² These developments have prompted scholars and policymakers worldwide to reconsider the foundational principles of consumer protection law in the digital age.³

The urgency of addressing AI-powered autonomy violations in digital markets stems from the pervasive nature of algorithmic decision-making systems that now mediate virtually all consumer interactions with digital platforms.⁴ Recent empirical research demonstrates that these AI systems can significantly influence consumer decision-making through sophisticated choice architectures, dark patterns, and behavioral exploitation techniques that operate below the threshold of conscious awareness. This empirical reality presents a critical challenge to the Indonesian legal framework, specifically Law No. 8/1999, which relies on the traditional premise of ‘informed consent’ and is currently ill-equipped to address such invisible technological coercion prevalent in

¹ Ryan Calo, “Digital Market Manipulation,” *The George Washington Law Review* 82, no. 4 (2014): 995–1051. The transformation of consumer markets through AI and algorithmic systems represents what Calo terms a “new form of manipulation” that challenges traditional regulatory categories.

² Martin Brennncke, “A Theory of Exploitation for Consumer Law: Online Choice Architectures, Dark Patterns, and Autonomy Violations,” *Journal of Consumer Policy* 47, no. 1 (2024): 127–64.

³ Federal Trade Commission, “Bringing Dark Patterns to Light: An FTC Workshop” (2022); OECD, “Dark Commercial Patterns” (2022).

⁴ European Commission, *Guidance on the Interpretation and Application of Directive 2005/29/EC of the European Parliament and of the Council concerning Unfair Business-to-Consumer Commercial Practices in the Internal Market*, C/2021/9320 (2021), 18.

the nation's rapidly expanding digital economy.⁵ The European Commission has recognized such practices as representing "a new form of risk in digital environments that can affect virtually all consumers," highlighting the global recognition of this emerging threat to consumer welfare.⁶

However, despite the rapid proliferation of algorithmic commerce, a critical research gap persists in current Indonesian legal discourse. While extensive scholarship addresses data privacy violations under the recently enacted Personal Data Protection Law, there is a scarcity of legal analysis examining how the antiquated 1999 Consumer Protection Law can address the specific harm of 'algorithmic manipulation.' Existing literature largely overlooks the subtle erosion of consumer autonomy, where the injury is not a data breach, but the invisible distortion of the consumer's decision-making process itself.

Previous scholarly investigations have primarily approached this issue through the lens of behavioral law and economics, focusing on market efficiency and welfare maximization.⁷ Bar-Gill et al. have extensively analyzed how firms exploit consumer biases through digital interfaces, proposing regulatory interventions based on economic efficiency principles.⁸ Similarly, Luguri and Strahilevitz have examined dark patterns as manifestations of behavioral exploitation, advocating for disclosure-based remedies rooted in rational choice theory.⁹ These studies, while valuable, predominantly adopt a US-centric approach that may not adequately address the distinctive characteristics of consumer protection frameworks in other jurisdictions. However, a critical distinction exists between these efficiency-driven analyses and the present study. While prior scholarship treats algorithmic manipulation primarily as a 'market failure' to be corrected, this research

⁵ Competition and Markets Authority (UK), "Online Choice Architecture: How Digital Design Can Harm Competition and Consumers" (2022), para. 4.173.

⁶ European Commission, *Guidance on the Interpretation and Application of Directive 2005/29/EC*, 18.

⁷ See generally Oren Bar-Gill, Omri Ben-Shahar, and Ryan Bubb, "Behavioural Regulation," *Annual Review of Law and Social Science* 19 (2023): 1-23.

⁸ *Ibid.*, 3-15.

⁹ Jon Luguri and Lior Strahilevitz, "Shining a Light on Dark Patterns," *Journal of Legal Analysis* 13, no. 1 (2021): 43-109.

reconceptualizes it as a fundamental ‘violation of rights.’ By shifting the normative focus from economic welfare to legal autonomy, this study argues that current practices are not merely inefficient but unlawful under the distinct principles of Indonesian consumer protection jurisprudence.

While Thaler and Sunstein’s ‘Nudge Theory’ posits that choice architecture can benevolently guide decisions,¹⁰ in the context of AI-driven dominant markets, these mechanisms evolve into what Yeung describes as ‘Hypernudge’—a dynamic, real-time alteration of choice environments that bypasses rational deliberation.¹¹ Legally, this is not merely a marketing tactic but a direct violation of Article 4(b) of Law No. 8/1999, which guarantees the ‘right to choose goods and/or services based on the exchange value and conditions guaranteed.’ When an AI system employs dark patterns or hypernudges to exploit behavioral biases (such as the scarcity bias or default effect), it vitiates the element of ‘free consent’ required in contract law. Consequently, such algorithmic interventions should be legally classified as ‘acts that inhibit the freedom of choice,’ rendering the resulting consumer consent legally voidable under the broader interpretation of unfair business practices.¹²

A second strand of literature has emerged from the European context, where scholars like Brenncke have developed more nuanced theories of exploitation that move beyond purely economic considerations.¹³ This scholarship recognizes that “regulating behavioural exploitation uses the morally loaded term of exploitation” and therefore requires normative theories that can distinguish between acceptable and unacceptable forms of advantage-taking.¹⁴ Brenncke’s autonomy theory of exploitation provides a sophisticated framework for understanding when commercial practices violate consumer autonomy, arguing that “the autonomy theory of exploitation should serve as the

¹⁰ Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008).

¹¹ Karen Yeung, “Hypernudge’: Big Data as a Mode of Regulation by Design.” *Information, Communication & Society* 20, no. 1 (2017): 118-136.

¹² Philipp Hacker, “Manipulative A.I. and the GDPR,” *Verfassungsblog*, May 23, 2018, <https://verfassungsblog.de/manipulative-a-i-and-the-gdpr/>.

¹³ Brenncke, “A Theory of Exploitation for Consumer Law,” 129.

¹⁴ *Ibid.*, 132.

normative theory determining the (legal) wrongness of exploitation in EU consumer law.”¹⁵

Ideally, the concept of consumer autonomy in digital markets should shift from a purely philosophical construct to a concrete legal standard. We define ‘Digital Consumer Autonomy’ not merely as the capacity for reflection, but legally as the freedom from ‘material distortion of economic behavior’ caused by opaque technological interference.¹⁶ Drawing from Calo’s theory of digital market manipulation, autonomy is violated when a system leverages information asymmetry to exploit consumer cognitive biases, thereby mediating the consumer’s relationship with the market in a way that the consumer cannot detect or resist.¹⁷ Under Indonesian Law No. 8/1999, this constitutes a breach of the ‘objective conditions of choice.’ Therefore, personalization crosses the line into illegal manipulation when it creates a disparity in bargaining power that effectively nullifies the consumer’s legal standing as an equal subject in the transaction, violating the principle of equity mandated by Article 2 of the Consumer Protection Law.

Recent scholarship has begun to recognize the collective and relational dimensions of autonomy in digital contexts. Graef, Petročnik, and Tombal argue for a “two-fold definition of autonomy” that encompasses both “inward-looking” dimensions focused on individual decision-making and “outward-looking” dimensions that consider “the relationship of one’s choices with other individuals’ and collective interests.”¹⁸ This expanded conception of autonomy is particularly relevant to AI-driven data processing, where individual choices create externalities that affect other consumers and broader societal interests.¹⁹

The classical philosophical foundations of autonomy theory can be traced to Kant’s conception of autonomy as “the property of the will

¹⁵ Ibid., 164.

¹⁶ Daniel Susser, Beate Roessler, and Helen Nissenbaum. “Technology, Autonomy, and Manipulation.” *Internet Policy Review*, vol. 8, no. 2, 2019, pp. 1-22.

¹⁷ Calo, “Digital Market Manipulation,” 995–1051.

¹⁸ Inge Graef, Tjaša Petročnik, and Thomas Tombal, “Conceptualizing Autonomy in an Era of Collective Data Processing: From Theory to Practice,” *Digital Society* 2, no. 19 (2023): 4.

¹⁹ Ibid., 6-7.

by which it is a law to itself (independently of any property of the objects of volition).”²⁰ As Guyer explains, Kant’s mature understanding recognizes that “autonomy must be conceived of as a condition of mastery over our inclinations in our choice of ends and actions,” which “we can freely choose to realize and maintain, or to subvert or destroy.”²¹ This Kantian perspective provides important insights into how AI systems can undermine the conditions necessary for autonomous choice by manipulating the decision-making environment in ways that compromise consumer agency.

Despite these theoretical advances, significant gaps remain in the literature regarding the application of autonomy theory to consumer protection law, particularly in non-European jurisdictions. This study directly addresses this lacuna by operationalizing ‘consumer autonomy’ not merely as a philosophical ideal, but as a binding legal standard within Indonesia’s Law No. 8/1999, thereby offering a novel dogmatic framework to challenge algorithmic manipulation in emerging markets. Most existing scholarship focuses on either EU regulatory frameworks or US-based economic approaches, leaving other legal systems underexplored. Moreover, while scholars have identified the theoretical problems posed by AI-driven behavioral exploitation, there remains limited analysis of how traditional consumer protection statutes can be interpreted and applied to address these emerging challenges.

The Indonesian context presents a particularly compelling case study for examining these issues. Indonesia’s Consumer Protection Law (Law No. 8/1999) establishes comprehensive consumer rights and business obligations that potentially provide robust protections against AI-driven autonomy violations.²² Article 4 of the law guarantees consumers’ rights to “correct, clear, and honest information regarding the condition and guarantee of goods and/or services.” In contrast Article 7 imposes corresponding obligations on business actors to provide “correct, clear, and honest information regarding the condition

²⁰ Paul Guyer, “Kant on the Theory and Practice of Autonomy,” *Social Philosophy and Policy* 20, no. 2 (2003): 70.

²¹ *Ibid.*, 79.

²² Indonesia, Law No. 8 of 1999 concerning Consumer Protection, State Gazette No. 42 of 1999.

and guarantee of goods and/or services.”²³ These provisions, when properly interpreted, may provide stronger protections against algorithmic manipulation than frameworks focused primarily on economic efficiency.

Recent research has highlighted the particular challenges that digital markets pose for Indonesian competition and consumer protection law. Taufiqurrohman et al. have documented how tech giants employ “non-negotiable privacy policies” that effectively force consumers to accept extensive data collection and processing without meaningful choice, creating what they term a “take-it-or-leave-it” approach that undermines consumer autonomy.²⁴ This research demonstrates that dominant digital platforms systematically exploit their market position to impose terms that would be unacceptable in competitive markets, highlighting the need for stronger consumer protection measures that address both individual autonomy and collective welfare.²⁵

The intersection between personal data protection and competition law in Indonesian digital markets has been further explored in recent scholarship, which reveals that current regulatory frameworks may be inadequate to address the complex ways that data exploitation can harm both individual consumers and competitive market processes.²⁶ This analysis suggests that effective consumer protection in digital markets requires an integrated approach that addresses both privacy violations and anti-competitive practices, as these often work together to undermine consumer autonomy and market competition.²⁷ A legal breakthrough is needed in the form of a new conception of an

²³ Ibid., Arts. 4(c) and 7(b).

²⁴ Moch. Marsa Taufiqurrohman, Helza Nova Lita, and Gress Gustia Adrian Pah, “Tech Giants’ Non-Negotiable Privacy Policies Strategy Versus Indonesian Competition Law,” *Jurnal Bina Mulia Hukum* 9, no. 1 (2024): 159–78, at 165–70, <https://doi.org/10.23920/jbmh.v9i1.1679>.

²⁵ Ibid., 172–175.

²⁶ Moch. Marsa Taufiqurrohman, Helza Nova Lita, and Gress Gustia Adrian Pah, “The Interrelation Between Personal Data Protection and Competition Legal Regime in the Indonesian Digital Market,” *Syiah Kuala Law Journal* 8, no. 3 (2024): 1–18, 8–12.

²⁷ Ibid., 15–17.

independent institution, grounded in a philosophical framework for privacy rights and the supervision of personal data protection.²⁸

It is legally imperative to distinguish ‘Consumer Autonomy’ from ‘Data Privacy,’ as conflating these terms obscures the specific legal harm caused by AI. While privacy, under the ambit of the Personal Data Protection Law, primarily concerns the control over unauthorized access to personal data (secrecy), autonomy pertains to the independence of the decision-making process itself (agency). As Grafanaki argues, a consumer may technically consent to data collection—thereby satisfying privacy standards—yet still be subject to behavioral profiling that manipulates their choices, effectively eroding their autonomy.²⁹ Consequently, this article focuses specifically on the instrumental use of algorithmic processing to undermine consumer volition, a harm that is distinct from, and often survives, the procedural compliance with privacy regulations.

The rapid advancement of artificial intelligence and automation technologies has created additional challenges for legal frameworks designed for human-centered decision-making. Recent analysis of AI’s impact on legal professions reveals that algorithmic systems are increasingly making decisions that affect fundamental rights and interests, often without adequate transparency or accountability mechanisms.³⁰ This trend toward automated decision-making in commercial contexts raises particular concerns about consumer autonomy, as it can remove human judgment and discretion from processes that significantly affect consumer welfare.³¹

The novelty of this research lies in its integration of philosophical autonomy theory with practical consumer protection law, specifically

²⁸ Bearlly Deo Syahputra and Nurul Fibrianti, “Independent Authority on Personal Data Protection in Illegal Financial Technology: Capturing Peer-to-Peer (P2P) Lending Issues,” *Journal of Private and Commercial Law* 8, no. 1 (2024): 129, <https://doi.org/10.15294/jpcl.v8i1.3967>.

²⁹ Simona Grafanaki, “Autonomy Challenges in the Age of Big Data,” *Fordham Intellectual Property, Media and Entertainment Law Journal* 27, no. 4 (2017): 803-868.

³⁰ Moch. Marsa Taufiqurrohman, “Otomatisasi dan Kecerdasan Buatan pada Profesi Hukum: Kerangka Teoritis dan Narasi Ideal di Masa Depan,” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 13, no. 2 (2024): 201–20, at 210–15, <http://dx.doi.org/10.33331/rechtsvinding.v13i2.1735>.

³¹ *Ibid.*, 216-218.

within the Indonesian legal context. Unlike previous studies that have primarily focused on either theoretical analysis or narrow regulatory responses, this research develops a comprehensive framework that bridges theory and practice while addressing the distinctive features of Indonesian consumer protection law. The study's contribution to existing scholarship includes: (1) the first systematic application of autonomy theory to Indonesian consumer protection law; (2) a novel framework for analyzing AI-driven behavioral exploitation through the lens of consumer autonomy; and (3) practical recommendations for regulatory reform that balance innovation with fundamental consumer protections.

This research employs a doctrinal legal analysis methodology, focusing on the Indonesian jurisdiction. This method is uniquely suited to addressing AI-driven autonomy issues, as it allows for the critical reinterpretation of established legal concepts—such as consent and coercion—in the novel context of algorithmic manipulation, where statutory gaps currently exist. The study primarily analyzes Indonesian Law No. 8/1999 on Consumer Protection; specific provisions (Articles 4 and 7) were selected for their direct relevance to informational asymmetries and transparency obligations that are fundamentally undermined by “black box” algorithms. To operationalize these legal standards against modern technology, this study adopts a ‘Data-Driven Dominance’ approach based on Stucke and Grunes. Instead of relying on traditional antitrust metrics like market share, this framework identifies dominance through the high barriers to entry created by data feedback loops, specifically analyzing a platform’s capacity to harvest real-time consumer data to predict and manipulate behavioral outcomes.³²

The data analysis integrates Gerald Dworkin’s hierarchical autonomy theory with Brennncke’s exploitation framework to establish objective legal thresholds for unlawful manipulation. The analysis synthesizes primary legal materials with secondary data from empirical studies on dark patterns to validate the existence of consumer harm.

³² Moch. Marsa Taufiqurrohman, Tarsisius Murwadi, and Helza Nova Lita. “Digital Resource Nationalism: Evaluating Indonesia’s Data Sovereignty Legal Framework Through Sumitronomics-Kusumaatmadja Analysis.” *Lentera Hukum* 13, no. 1 (2026): 666–690, at 667. <https://doi.org/10.19184/ejhl.v13i1.53716>.

Furthermore, the comparative analysis moves beyond a superficial ‘legal transplant’ of the European Union’s Digital Services Act by employing a functional institutional assessment. It involves critically evaluating whether Indonesian bodies like BPKN and KPPU possess the necessary ‘algorithmic auditing’ mandates and technical infrastructure to enforce such transparency norms, thereby addressing the risk of the ‘transplant effect’ where advanced regulations fail due to a lack of local institutional readiness.³³ The research analyzes key articles including Article 4, which establishes consumer rights to accurate information, and Article 7, which imposes corresponding obligations on business actors regarding transparency and honesty in commercial practices.³⁴ This analysis is supplemented by examination of related provisions concerning unfair business practices and consumer remedies.

A. Current AI Practices and Consumer Rights Violations Under Indonesian Law

The analysis presented in this section diverges significantly from previous Indonesian legal scholarship, which has predominantly focused on data privacy violations under Law No. 27/2022 or liability for algorithmic errors. Unlike prior studies that treat algorithmic recommendations as neutral market facilitators, this research identifies a distinct category of legal violation: the substantive erosion of consumer autonomy through ‘pre-contractual manipulation.’ The findings demonstrate that current AI practices do not merely violate privacy, but fundamentally breach the ‘Right to Correct and Honest Information’ mandated by Article 4© of Law No. 8/1999, effectively invalidating the legal element of free consent long before a transaction occurs.

The analysis of contemporary AI practices by dominant digital platforms reveals systematic patterns of consumer autonomy violations that directly contravene the fundamental principles established in

³³ Indonesia, Law No. 8 of 1999 concerning Consumer Protection.

³⁴ Ibid., Arts. 4 and 7.

Indonesian Consumer Protection Law.³⁵ Major digital platforms routinely deploy sophisticated algorithmic systems that exploit consumer behavioral biases through techniques such as personalized pricing, manipulative interface design, and opaque recommendation algorithms. These practices constitute a direct violation of Article 4 of Law No. 8/1999, which guarantees the consumer's right to 'correct, clear, and honest information,' and fundamentally breach the business actor's obligation to conduct business in 'good faith' as mandated by Article 7(a).³⁶ These practices represent a fundamental departure from traditional commercial relationships, as they operate by systematically undermining the cognitive and emotional conditions necessary for autonomous consumer decision-making rather than simply offering products or services for consumer evaluation.³⁷

The most prevalent forms of AI-driven autonomy violations include the use of dark patterns in user interface design, which exploit cognitive biases to manipulate consumer choices without their conscious awareness.³⁸ Research conducted by the Competition and Markets Authority demonstrates that techniques such as pre-ticked checkboxes, misleading countdown timers, and artificially limited availability claims can significantly alter consumer behavior by exploiting psychological vulnerabilities rather than providing genuine value or information.³⁹ These practices violate Article 4(c) of the Indonesian Consumer Protection Law, which guarantees consumers the right to "correct, clear, and honest information regarding the condition and guarantee of goods and/or services," because they operate precisely by concealing or misrepresenting the true conditions under which commercial transactions occur.⁴⁰

³⁵ See Competition and Markets Authority, "Online Choice Architecture," para. 4.173; European Commission, *Guidance on the Interpretation and Application of Directive 2005/29/EC*, 18.

³⁶ Forbrukerrådet, "Deceived by Design: How Tech Companies Use Dark Patterns to Discourage Us from Exercising Our Rights to Privacy" (2018), 6-27.

³⁷ Brennncke, "A Theory of Exploitation for Consumer Law," 131-132.

³⁸ Luguri and Strahilevitz, "Shining a Light on Dark Patterns," 43-50.

³⁹ Competition and Markets Authority (UK), "Online Choice Architecture," para. 4.173.

⁴⁰ Indonesia, Law No. 8 of 1999, Art. 4(c).

Contemporary algorithmic systems operate through ‘predictive analytics’ and ‘collaborative filtering’ rather than simple data aggregation. These technical mechanisms allow platforms to infer sensitive attributes—such as emotional stability or financial vulnerability—from seemingly innocuous non-personal data, a process known as ‘inference.’ This technical reality renders the traditional notice-and-consent model ineffective. As noted by Mittelstadt et al. in the computer science literature, the opacity lies not just in the data collection, but in the automated scoring processes that categorize consumers into ‘waste’ or ‘value’ targets.⁴¹ This creates a personalized ‘reality’ for each user, fundamentally altering the market conditions before the consumer even engages in a transaction, a practice that goes beyond mere marketing to become structural manipulation.⁴²

Algorithmic personalization systems present another significant category of autonomy violations, as they create individualized choice environments designed to maximize platform engagement and revenue rather than serving consumer interests.⁴³ These systems analyze vast amounts of personal data to identify individual vulnerabilities and preferences, then exploit this information to present choices in ways that are most likely to generate desired behaviors, often without consumers understanding how their decision-making environment is being manipulated.⁴⁴ The opacity of these systems violates both the transparency requirements of Article 7(b) of the Consumer Protection Law and the broader principle that consumers should be able to make informed decisions about commercial transactions.⁴⁵ To practically assess this opacity without breaching trade secrets, regulators must adopt ‘outcome-based auditing.’ It involves conducting controlled experiments

⁴¹ Brent Daniel Mittelstadt, et al. “The Ethics of Algorithms: Mapping the Debate.” *Big Data & Society* 3, no. 2 (2016): 1-21.

⁴² Tal Z Zarsky, “The Trouble with Algorithmic Decisions: An Analytic Road Map to Explainable Data.” *Science, Technology, & Human Values* 41, no. 1 (2016): 118-132.

⁴³ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: PublicAffairs, 2019), 8–9.

⁴⁴ Cathy O’Neil, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (New York: Crown, 2016), 8–12.

⁴⁵ Indonesia, Law No. 8 of 1999, Art. 7(b).

(digital mystery shopping) to compare how algorithms treat different user profiles, thereby revealing hidden biases or manipulative patterns based on the system's outputs rather than its internal code.

Dynamic pricing algorithms represent a particularly sophisticated form of autonomy violation, as they use real-time data analysis to adjust prices based on individual consumer characteristics and circumstances in ways that exploit informational asymmetries and behavioral biases.⁴⁶ These systems can identify when consumers are likely to be less price-sensitive due to urgency, emotional state, or other factors, then adjust prices accordingly to extract maximum value from each transaction.⁴⁷ Such practices violate the fundamental principle of honest dealing established in Article 7 of the Consumer Protection Law, as they involve systematically taking advantage of consumer vulnerabilities rather than engaging in fair commercial exchange.⁴⁸

The intersection of personal data protection and competition law reveals additional dimensions of consumer harm that traditional regulatory approaches have failed to address adequately.⁴⁹ Dominant platforms use their control over personal data to create barriers to competition and consumer choice, effectively locking consumers into ecosystems where they have little bargaining power or alternative options.⁵⁰ This practice violates both privacy rights and competition principles, creating a form of compound harm that undermines both individual autonomy and collective welfare.⁵¹

The use of addictive design features in digital platforms represents another category of autonomy violation that is particularly concerning from the perspective of consumer protection law.⁵² Platforms deliberately incorporate features such as variable reward schedules, social

⁴⁶ Ariel Ezrachi and Maurice E. Stucke, *Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy* (Cambridge, MA: Harvard University Press, 2016), 156–78.

⁴⁷ *Ibid.*, 167–172.

⁴⁸ Indonesia, Law No. 8 of 1999, Art. 7.

⁴⁹ Taufiqurrohman, Lita, and Pah, “The Interrelation Between Personal Data Protection and Competition Legal Regime,” 8–12.

⁵⁰ *Ibid.*, 13–15.

⁵¹ *Ibid.*, 15–17.

⁵² Tristan Harris, “How Technology is Hijacking Your Mind,” Medium (2016).

validation mechanisms, and fear-of-missing-out triggers that are designed to create compulsive usage patterns rather than serving genuine consumer needs.⁵³ These practices undermine consumer autonomy by interfering with the capacity for rational deliberation and self-control that Dworkin identifies as essential to authentic choice.⁵⁴ They also violate Article 8(f) of the Consumer Protection Law, which prohibits business actors from engaging in practices that “force consumers to receive certain goods and/or services,” as addictive design features operate by compelling continued platform engagement against consumers’ better judgment.⁵⁵

B. Legal Framework Analysis Under Indonesian Consumer Protection Law

While Law No. 8/1999 serves as the *lex generalis* for consumer rights, addressing AI-driven autonomy requires a systematic interpretation that integrates modern statutes, specifically the Personal Data Protection Law (Law No. 27/2022) and the Electronic Information and Transactions Law (Law No. 11/2008 as amended).⁵⁶ The limitation of Law No. 8/1999 lies in its pre-digital drafting; therefore, Article 4’s right to information must be read in conjunction with Article 35 of the PDP Law, which mandates data controllers to ensure the accuracy and transparency of data processing. Furthermore, the ‘electronic agent’ provisions in the ITE Law impose liability on operators for errors in automated systems. A harmonized reading suggests that ‘consumer protection’ in the AI era is not a standalone concept but a composite right derived from the intersection of consumer law, data privacy, and electronic transaction standards.⁵⁷

⁵³ Adam Alter, *Irresistible: The Rise of Addictive Technology* (New York: Penguin Press, 2017), 1-15.

⁵⁴ Dworkin, *The Theory and Practice of Autonomy*, 15-17.

⁵⁵ Indonesia, Law No. 8 of 1999, Art. 8(f).

⁵⁶ Sinta Dewi Rosadi, “Protecting Privacy on Personal Data in Digital Economic Era: Legal Framework in Indonesia.” *Brawijaya Law Journal* 5, no. 1, (2018): 143-157.

⁵⁷ Graham Greenleaf, “Indonesia’s Personal Data Protection Act 2022: Global Standards, but Weak Enforcement?” *Privacy Laws & Business International Report* 36, no. 180 (2022): 1-6.

Article 4 of the Consumer Protection Law establishes fundamental consumer rights that are directly relevant to AI-driven commercial practices, including the right to “correct, clear, and honest information regarding the condition and guarantee of goods and/or services.”⁵⁸ This provision can be interpreted to require disclosure of algorithmic influence on consumer decision-making, as concealment of such influence violates the requirement for honest information about the conditions under which commercial transactions occur. The requirement for “clear” information suggests that disclosures must be comprehensible to ordinary consumers, not merely technically accurate, requiring platforms to explain their algorithmic practices in accessible language rather than hiding behind technical complexity.

A critical legal tension arises between the demand for algorithmic transparency and the protection of intellectual property under the Trade Secret Law (Law No. 30/2000). To resolve this ‘Black Box’ dilemma without eroding proprietary rights, this study proposes a ‘Tiered Transparency’ mechanism.⁵⁹ Unlike full disclosure which exposes source code, tiered transparency mandates ‘logic-of-processing’ disclosure to consumers (explaining the ‘why’ and ‘how’ of decisions in lay terms) while reserving ‘technical-audit’ disclosure solely for the regulator (BPKN or KPPU) under strict confidentiality agreements. This approach aligns with the ‘explanation’ requirement in Article 22 of the GDPR, ensuring that the consumer’s right to know does not invalidate the firm’s right to trade secrecy. Legally, this redefines the object of transparency from the ‘code itself’ to the ‘significance and envisaged consequences’ of the processing.⁶⁰

Article 7 imposes corresponding obligations on business actors that directly address the practices employed by AI-driven platforms.⁶¹ The requirement to provide “correct, clear, and honest information” creates an affirmative duty of transparency that goes beyond simply

⁵⁸ Indonesia, Law No. 8 of 1999, Art. 4(c).

⁵⁹ Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Cambridge, MA: Harvard University Press, 2015).

⁶⁰ Sandra Wachter, Brent Mittelstadt, and Luciano Floridi, “Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation.” *International Data Privacy Law* 7, no. 2, (2017): 76-99

⁶¹ Indonesia, Law No. 8 of 1999, Art. 7.

avoiding false statements to encompass full disclosure of material facts that could influence consumer decision-making.⁶² The requirement for “honest” information is particularly significant, as it suggests that business actors must not only avoid technical falsehoods but also refrain from practices that are designed to mislead or manipulate consumers, even if those practices do not involve explicit misstatements.

The prohibition on unfair business practices in Article 8 provides additional tools for addressing AI-driven autonomy violations.⁶³ Article 8(f) prohibits business actors from “forcing consumers to receive certain goods and/or services,” which can be interpreted to encompass addictive design features and other practices that undermine consumer choice through psychological manipulation.⁶⁴ Article 8(g) prohibits “placing standard clauses in every document and/or agreement that is detrimental to consumers,” which could potentially apply to algorithmic terms of service that grant platforms broad rights to manipulate user experiences without meaningful consumer consent.⁶⁵

The analysis of automated decision-making systems in legal contexts reveals broader concerns about the accountability and transparency of AI systems that affect fundamental rights and interests.⁶⁶ When algorithmic systems make decisions that significantly impact consumers, there must be mechanisms for understanding, challenging, and correcting those decisions to ensure compatibility with principles of due process and fair treatment.⁶⁷ This requirement for algorithmic accountability aligns with the broader transparency obligations established in Indonesian Consumer Protection Law.⁶⁸

The law’s emphasis on consumer education and empowerment, reflected in Article 4(e)’s guarantee of “the right to get advocacy, protection, and proper dispute resolution efforts,” suggests that effective protection against AI-driven autonomy violations requires not only

⁶² Ibid., Art. 7(b).

⁶³ Indonesia, Law No. 8 of 1999, Art. 8.

⁶⁴ Ibid., Art. 8(f).

⁶⁵ Ibid., Art. 8(g).

⁶⁶ Taufiqurrohman, “Otomatisasi dan Kecerdasan Buatan pada Profesi Hukum,” 210-215.

⁶⁷ Ibid., 216-218.

⁶⁸ Indonesia, Law No. 8 of 1999, Arts. 4 and 7.

regulatory enforcement but also consumer education about how algorithmic systems work and how they can affect decision-making.⁶⁹ This educational component is particularly important because many AI-driven manipulation techniques operate below the threshold of conscious awareness, making it difficult for consumers to protect themselves without understanding how these systems work.

The Consumer Protection Law's approach to remedies, established in Articles 19-28, provides multiple avenues for addressing AI-driven autonomy violations, including administrative sanctions, civil remedies, and criminal penalties for serious violations.⁷⁰ The availability of class action remedies under Article 46 is particularly significant for addressing AI-driven practices that affect large numbers of consumers simultaneously, as individual consumers may lack the resources or expertise to challenge sophisticated algorithmic systems on their own.⁷¹

C. Comparative Analysis of Global AI Governance Approaches

The European Union's approach to regulating AI-driven commercial practices provides valuable insights for interpreting and implementing Indonesian consumer protection law, particularly through the Digital Services Act's explicit prohibition of dark patterns and the broader framework of the Unfair Commercial Practices Directive.⁷² Article 25 of the Digital Services Act specifically prohibits online platforms from "designing, organizing or operating their online interfaces in ways that deceive, manipulate or materially distort or impair the ability of recipients of the service to make free and informed decisions."⁷³ This provision reflects a recognition that AI-driven

⁶⁹ Ibid., Art. 4(e).

⁷⁰ Indonesia, Law No. 8 of 1999, Arts. 19-28.

⁷¹ Ibid., Art. 46.

⁷² Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277.

⁷³ Digital Services Act, Art. 25(1).

manipulation techniques require specific regulatory attention that goes beyond traditional consumer protection approaches.⁷⁴

The EU's approach emphasizes the importance of protecting consumer autonomy as an intrinsic value rather than merely as a means to achieving efficient market outcomes. The Unfair Commercial Practices Directive's prohibition of practices that "materially distort the economic behaviour" of consumers provides a framework for analyzing when AI-driven practices cross the line from acceptable influence to impermissible manipulation.⁷⁵ This approach focuses on the impact of commercial practices on consumer decision-making capacity rather than simply their effects on market outcomes, which aligns with the autonomy-based approach advocated in this research.⁷⁶

The United States has taken a more fragmented approach to regulating AI-driven commercial practices, relying primarily on existing consumer protection statutes and Federal Trade Commission enforcement actions rather than developing comprehensive new frameworks.⁷⁷ The FTC's recent enforcement actions against companies using dark patterns demonstrate how traditional consumer protection principles can be applied to digital practices. However, the lack of specific statutory authority for addressing AI-driven manipulation creates uncertainty about the scope and effectiveness of regulatory responses.

In stark contrast to these established regimes, Indonesia's regulatory capacity faces a 'dual deficit.' Unlike the EU's clear statutory standard of 'material distortion,' Indonesian courts struggle to interpret the vague 'good faith' principle in Law No. 8/1999 against complex algorithmic evidence. Furthermore, unlike the US FTC, which possesses advanced investigative powers for digital markets, Indonesia's National Consumer Protection Agency (BPKN) and Competition Commission (KPPU) currently lack the technical infrastructure—specifically algorithmic auditing tools—requisite to detect such manipulation, rendering the enforcement of consumer rights significantly more challenging than in Western jurisdictions.

⁷⁴ European Commission, "Guidance on the Interpretation and Application of Directive 2005/29/EC," 18-20.

⁷⁵ Unfair Commercial Practices Directive, Art. 5(2).

⁷⁶ Brenneke, "A Theory of Exploitation for Consumer Law," 164.

⁷⁷ Federal Trade Commission, "Bringing Dark Patterns to Light."

Emerging regulatory approaches in other jurisdictions provide additional models for addressing AI-driven autonomy violations.⁷⁸ The United Kingdom's Competition and Markets Authority has developed detailed guidance on online choice architecture that emphasizes the importance of protecting consumer autonomy and decision-making capacity.⁷⁹ Australia's proposed Privacy Act amendments include specific provisions addressing automated decision-making that could serve as a model for regulating AI-driven commercial practices.⁸⁰

The comparative analysis reveals several common themes across jurisdictions that are relevant to implementing Indonesian consumer protection law. First, there is growing recognition that AI-driven commercial practices require regulatory attention beyond traditional consumer protection approaches. Second, effective regulation requires a focus on protecting consumer autonomy and decision-making capacity rather than simply optimizing market outcomes. Third, regulatory frameworks must address both the technical aspects of AI systems and their impact on human psychology and decision-making.

D. Proposed AI-Consumer Protection Framework

Moving beyond normative principles, this study proposes a three-tiered legal intervention to operationalize consumer protection in the AI era. First, to address the legislative lag, this study proposes a concrete amendment to Article 7 of Law No. 8/1999 regarding the Obligations of Business Actors. Specifically, a new subsection (h) should be inserted to mandate algorithmic disclosure explicitly.⁸¹ The proposed draft text for Article 7(h) would obligate business actors to “disclose the main parameters of automated decision-making systems that determine ranking, pricing, and product availability in a manner that is accessible and comprehensible to consumers.” This amendment is crucial to legally

⁷⁸ For a comprehensive survey of emerging regulatory approaches, see OECD, “Dark Commercial Patterns,” 25-35.

⁷⁹ Competition and Markets Authority (UK), “Online Choice Architecture,” 15-25.

⁸⁰ Australia, Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill 2021.

⁸¹ Christoph Busch, “Algorithmic Regulation and the New Deal for Consumers,” *Journal of European Consumer and Market Law* 8, no. 2, (2019): 41-42.

shift the burden of proof regarding ‘fair algorithms’ from consumers to platforms, ensuring that the ‘black box’ nature of AI can no longer be used as a shield against liability for unfair business practices.

Secondly, recognizing that statutory amendments are time-consuming, the enforcement gap requires the immediate enactment of a Binding Algorithmic Code of Conduct, formalized through a Regulation of the National Consumer Protection Agency (BPKN). Unlike voluntary ethical guidelines, which lack teeth, this regulation would serve as the authoritative interpretation of “Good Faith” under Article 7(a) of the Consumer Protection Law. This code must explicitly prohibit specific dark patterns, such as ‘forced continuity’ and ‘hidden costs in dynamic pricing,’ rendering such practices a *per se* violation of the law. By codifying these prohibitions into a binding regulation, regulators can bypass the need to prove subjective intent to deceive, focusing instead on the objective presence of manipulative interface designs.

Finally, to prevent jurisdictional overlap between the newly established Personal Data Protection (PDP) Authority and existing bodies, this framework advocates for a “Functional Separation” model of authority.⁸² Under this model, the PDP Authority shall have exclusive jurisdiction over the technical auditing of algorithms regarding data misuse and privacy violations in compliance with Law No. 27/2022. Concurrently, the BPKN and the Indonesia Competition Commission (KPPU) shall retain jurisdiction over the economic impact of those algorithms, such as unfair contract terms and predatory pricing. This division ensures that technical data violations are handled by privacy specialists, while the resulting economic harms to consumers remain under the purview of established consumer protection mechanisms, thereby creating a cohesive enforcement ecosystem.⁸³

⁸² Moch. Marsa Taufiqurrohman, Tarsisius Murwadi, and Helza Nova Lita, “Bridging The Gap: Reconciling Privacy Data Protection With Indonesian Collectivism”. *Jurnal Hukum Dan Peradilan* 14, no. 3 (2025): 549-98. <https://doi.org/10.25216/jhp.14.3.2025.549-598>.

⁸³ Andrean Pratama. “Desain Kelembagaan Otoritas Perlindungan Data Pribadi Dalam Undang-Undang Nomor 27 Tahun 2022 (Institutional Design of Personal Data Protection Authority in Law Number 27 of 2022).” *Jurnal Pembangunan Hukum Indonesia* 5, no. 1 (2023): 1-16.

Conclusion

This research demonstrates that current AI-powered practices by dominant digital platforms do not merely create market inefficiencies but constitute systematic violations of the Indonesian Consumer Protection Law (Law No. 8/1999). Specifically, the doctrinal analysis confirms that algorithmic manipulations and opaque recommendation systems fundamentally breach Article 4 on the right to correct and honest information and Article 7(a) on the obligation of good faith. By redefining these practices as “pre-contractual manipulation,” this study establishes that consumer autonomy is not merely a philosophical ideal but a binding legal standard that erodes when digital architectures bypass rational decision-making processes.

To address this, the study proposes an “AI-Consumer Protection Framework” that operationalizes the theoretical insights of Dworkin and Brenckne into practical legal tests. By shifting the regulatory focus from “market share” to “Data-Driven Dominance,” this framework allows regulators to identify exploitation based on the *process* of advantage-taking rather than just the economic outcome. This approach offers a pathway to interpret existing statutory provisions more dynamically, ensuring that the law remains effective against novel forms of behavioral exploitation without waiting for lengthy legislative amendments.

Ultimately, this study calls for a paradigm shift in Indonesian consumer law—moving beyond a transactional perspective to one that safeguards the cognitive conditions of choice. While the proposed framework provides the necessary dogmatic foundation, its success depends on a dual strategy: judicial willingness to interpret “good faith” expansively to cover digital manipulation, and a concerted legislative effort to equip regulators with the technological mandates necessary to police the algorithmic age.

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