

TINJAUAN YURIDIS TERHADAP PENERAPAN *DARK PATTERN* DALAM PERJANJIAN ASURANSI DIGITAL PADA TRANSAKSI *E-COMMERCE*

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ABSTRAK

Pertumbuhan pesat *e-commerce* di Indonesia mendorong integrasi berbagai layanan tambahan, termasuk asuransi digital dalam proses transaksi *e-commerce* yang sering kali menerapkan *dark pattern*, yakni desain antarmuka manipulatif yang mengarahkan konsumen pada keputusan yang tidak sepenuhnya rasional. Penelitian bertujuan untuk menganalisis praktik penerapan *dark pattern* dalam perjanjian asuransi digital di Indonesia dan implikasinya terhadap pemenuhan syarat sah perjanjian, serta bentuk perlindungan hukum bagi konsumen atas penerapan *dark pattern*.

Penelitian menggunakan metode yuridis normatif dengan spesifikasi deskriptif analitis. Data bersumber pada data sekunder berupa bahan hukum yang diperoleh melalui studi kepustakaan. Pengolahan data mencakup reduksi dan klasifikasi data, yang kemudian disajikan dalam bentuk teks naratif.

Hasil analisis menunjukkan bahwa penerapan *dark pattern* oleh sejumlah platform *e-commerce* dalam penawaran produk asuransi digital melalui mekanisme *pre-ticked consent* dan *sneak into basket*, mengakibatkan cacat kehendak karena persetujuan lahir dari kehendak yang tidak bebas, sehingga perjanjian berpotensi dapat dibatalkan. Praktik *dark pattern* melanggar syarat sah perjanjian dalam Pasal 1320 KUHPerdara dan hak konsumen atas informasi yang benar sesuai Undang-Undang Perlindungan Konsumen, serta dapat dikategorikan sebagai klausula baku yang dilarang. Perlindungan hukum terhadap praktik *dark pattern* mencakup sarana preventif melalui regulasi spesifik, pengawasan proaktif oleh lembaga negara, serta literasi dan edukasi sebagai bentuk pemberdayaan konsumen. Perlindungan secara represif dilakukan melalui mekanisme tuntutan ganti rugi. Penelitian menyarankan perlunya regulasi khusus mengenai *dark pattern*, pengawasan digital proaktif melalui audit antarmuka secara berkala, serta peningkatan literasi digital bagi masyarakat.

Kata Kunci: Asuransi Digital, *Dark Pattern*, Transaksi *E-Commerce*, Perjanjian, Perlindungan Hukum

**A JURIDICAL REVIEW OF DARK PATTERNS IMPLEMENTATION
IN DIGITAL INSURANCE AGREEMENTS FOR
E-COMMERCE TRANSACTIONS**

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ABSTRACT

The rapid growth of e-commerce in Indonesia has encouraged the integration of various additional services, including digital insurance in e-commerce transactions, which often apply dark patterns, namely manipulative interface designs that lead consumers to make decisions that are not entirely rational. This study aims to analyze the practice of applying dark patterns in digital insurance agreements in Indonesia, its implications for the fulfillment of valid agreement requirements, and the form of legal protection for consumers regarding the application of dark patterns.

The research used a normative juridical method with descriptive analytical specifications. The data was sourced from secondary data in the form of legal materials obtained through literature studies. Data processing included data reduction and classification, which was then presented in the form of narrative text.

The analysis shows that a number of e-commerce platforms use dark patterns in offering digital insurance products through pre-ticked consent and sneak into basket mechanisms, resulting in defective consent because the consent is not freely given, thus potentially rendering the agreement voidable. The practice of dark patterns violates the valid requirements of agreements in Article 1320 of the KUHPerdata and consumers' rights to accurate information in accordance with the Consumer Protection Law, and can be categorized as prohibited standard clauses. Legal protection against dark pattern practices includes preventive measures through specific regulations, proactive supervision by state institutions, and literacy and education as a form of consumer empowerment. Repressive protection is carried out through compensation claim mechanisms. This study suggests the need for specific regulations on dark patterns, proactive digital supervision through periodic interface audits, and increased digital literacy for the public.

Keywords: *Digital Insurance, Dark Pattern, E-Commerce Transaction, Agreement, Law Protection.*