

The Legal Aspect of Consumers' Protection from Pop-Up Advertisements in Indonesia

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ABSTRACT: Pop-up advertisements have become prevalent on websites. When users click on the banner, they navigate a separate window; banner and pop-up advertisements contain attractive audio-visual and animated graphics. This intrusive advertising has not explicitly regulated Indonesia's current legislation, including Electronic Transaction and Information Law 11/2008 (ITE Law). Also, it is exempted in the Indonesian Pariwara Ethics, guidelines for advertising ethics and procedure in Indonesia. This study aimed to revisit consumers' protection toward pop-up advertisements in Indonesia, with two main discussions. First, it discussed online consumers' perceptions of pop-up advertisements and the classification of their responses. Second, it enquired to what extent the legal and ethics protection for online consumers in Indonesia. By using empirical legal research, this study concluded that the ITE Law prohibits anyone from spreading online information with content that violates immorality and gambling, as it often contains in pop-up advertisements. Through the lens of business ethics, pop-up advertisements are new media and they should not be installed in such a way as to interfere with the freedom of internet users, given that pop-up advertisements do not reflect the ethics of honesty, trust, and advice in business.

KEYWORDS: Consumers' Protection, Online Advertisements, Business Ethics.



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I. INTRODUCTION

Information technology develops rapidly as part of technological globalization that shifted social interaction from physical to digital. In so doing, networks are the basis of this exemplified digital economy and the age of network intelligence (Information Highway/I-Way).¹ By referring to the internet model, I-Way becomes a high bandwidth web communication system that produces text, sound, images, and video.² Trade is also influenced by technology, followed by the current massive electronic commerce and transaction. Then, consumers become the focal point of business activities and strategic targets on the internet,³ due to the changing landscape of business activities through digital marketing.⁴ In practice, digital marketing promotes products and services using digital distribution channels.⁵ It includes digital or online advertising, which sends marketing messages to customers. Consequently, businesses use digital marketing through social media such as Facebook, Twitter, MySpace, LinkedIn, and YouTube to attract potential users. These platforms become the ground for advertisers to target many customers by advertising products to potential consumers,⁶ through electronic marketing techniques such as pop-ups and banner advertisements.⁷ Pop-up advertisements have become prevalent on websites, and clicking pop-up advertisements mean that internet users will open a separate web page.

¹ R Azzam, "E-Commerce Taxation & Cyberspace Law: The Integrative Adaptation Model" 12:6 Va J Law Technol 56.

² D Tapscott, *The Digital Economy: Promise and Peril in the Age of Networked Intelligence* (New York: McGraw-Hill, 1995).

³ D Chaffey & F Ellis-Chadwick, *Digital Marketing. Harlow (GB)* (United Kingdom: Pearson).

⁴ H R Helmi, "Eksistensi Badan Penyelesaian Sengketa Konsumen Dalam Memutus Sengketa Konsumen di Indonesia (The Existence of Consumer Dispute Resolution Bodies in Resolving Consumer Disputes in Indonesi)" (2015) 1:1 ADHAPER J Huk Acara Perdata 77–89.

⁵ A H Barkatullah, "Urgensi Perlindungan Hak-Hak Konsumen dalam Transaksi di E-Commerce (The urgency of consumer rights in e-commerce transactions)" 14:2 J Huk, online: <<https://journal.uui.ac.id/IUSTUM/article/view/1061>>.

⁶ M G Velazques, *Business Ethics, Concepts and Cases* (London: Pearson Prentice Hall, 2006).

⁷ H R Helmi, *supra* note 4.

To date, pop-up advertisements are considered annoying and ineffective. The respondent is particularly irritated by pop-ups that are not related to the site.⁸ In Europe and North America, 83% of people would like to block advertisements on mobile devices.⁹ Pop-up advertisements have developed into the online ad format that advertisers have mostly placed on their websites and the most hated by consumers. The sudden appearance of an ad window in the middle of the screen with disturbing visuals often irritates website visitors—not only because of its repetitive duration, some pop-up advertisements even display random adult ad content (worse sometimes accompanied by particular audio or animation), resulting in visitors' panic by searching for the close [x] button, especially if they access the website in a public area.

There is no significant relationship between internet users' behaviors for electronic commerce and advertisement. According to Hertz, pop-up advertisements have little impact on users' buying behavior because negative attitudes have been formed towards pop-ups.¹⁰ Subsequently, advertisers should design pop-ups to become more user-friendly instead of displaying disturbing content.¹¹ Ad critics claim that advertising has some adverse influences, among others, to be effective; advertising often has to be intrusive, flashy, and repeatedly displayed.¹²

The trend of pop-up grows with the level of discomfort of most internet users. The content is considered entirely inappropriate with their interest. Also, website visitors are vulnerable to pop-ups that use click-bait techniques in the ad text—such as headlines. It is no wonder then many users feel

⁸ Chan, Anne, Dodd, Jon, and Stevens, Robert (2004) "The Efficacy of Pop-Ups and the Resulting Effect on Brands," White Paper by Bunnyfoot Universality, Jan 1, http://www.bunnyfoot.com/bunnyfoot_popup.pdf.

⁹ Maxx Wilnes, 2018, New Data on Why People Hate Advertisements; Too Many, Too Intrusive, Too Creepy, online: <<https://www.vicodesign.com/blog/new-data-why-people-hate-advertisements>>.

¹⁰ Lawrence M Hertz, "Advertising Regulation on the Internet, Computer and Internet Lawer" 19:6 18.

¹¹ Wang L & L Xu, *The Influence of Pop-Up Advertising on Consumer Purchasing Behavior A Case Study of Social Media Users in Ghana* (2014).

¹² Craig Bryan, *Cyber Law, The Law of the Internet and Information Technologies*, 1st ed (Pearson). 2009)

trapped by advertisers, resulting in them not wanting to visit the website a second time. Usually, it happened in accessing streaming addresses and online news sites. Pop-up advertisements may appear when starting to open the internet address, but sometimes they can also appear to open one of the menus. They are annoying because of their ability to focus on the original goal, apart from the offers given by the majority, not according to users' interests. As a consequence, users are less interested in opening pop-up advertisements.

This study was apprehended from previous research that discussed consumer attitudes towards advertising play a role in mediating ad intrusiveness on purchase intention.¹³ In essence, consumers feel annoyed by online advertising in the form of remarketing presented by marketers—the more negative the attitude shown by consumers.¹⁴ The intrusive advertising has not been regulated explicitly in the electronic transaction and information law, including advertising guidelines under the Indonesian Pariwara Ethics.

This study aimed to describe consumer protection toward pop-up advertisements in Indonesia. It has two main discussions. First, this study starts by defining perceptions of online consumers when a pop-up ad appears, followed by the classification of their responses to pop-up advertisements. Second, it enquires to what extent the legal and ethics protection for online consumers in Indonesia.

II. METHODS

This study used empirical legal analysis with a qualitative study. This study departed from a gap between theory and practice. Aspects of empirical legal research are also referred to as non-doctrinal or socio-legal research. This study referred to the gap between existing legal norms in ITE Law and the guidelines under the Indonesian Pariwara Ethics that adjust the intrusive

¹³ Widyastuti, Ad Intrusiveness dan Sikap Konsumen Terhadap Iklan Online Pada E-Commerce, April 2019, *Bisma (Binis dan Manajemen)* 11(2): 117.

¹⁴ *Ibid.*

advertisement and its implementation in society, such as consumer protection toward pop-up advertisements in Indonesia.

The population in this study was online consumers in Jakarta, Semarang, and Surabaya. The sampling technique used convenience sampling,¹⁵ with how to take research samples according to the availability of informants needed in the study.¹⁶ This study conducted had 30 informants with in-depth interview data collection techniques and library research. The data validity technique used data triangulation. The data analysis technique used an interactive model of qualitative analysis. Secondary data was not directly obtained from the field, which provided additional information or supported the completeness of the primary data. This data included Consumer Protection Law 8/1999, ITE Law 11/2008, Broadcasting Law 24/1997, Trade Law 7/2014, Government Regulation 71/2019 on Electronic Transaction System Operators, and the Guidelines for the Compilation of Advertising Rules & Ethics. The data analysis technique used in this research was the interactive model qualitative data analysis technique.¹⁷

III. THE PERCEPTION OF ONLINE CONSUMERS ON POP-UP ADVERTISEMENTS

Pop-up advertisements are perceived as a distraction because they can suddenly appear during users' online access. Some pop-ups requested persons to follow the advertisement, and if a person clicks the "yes" button, the pop-up would be flooded with spams, viruses, and scams.

This research was conducted in Java Island related to the Indonesian Internet Service Providers Association 2019. Java Island dominates most internet users with 86 million users, with a sample of 30 internet users randomly

¹⁵ H Taherdoost, "Sampling Methods in Research Methodology; How to Choose A Sampling Technique for Research. *International Journal of Academic*" (2016) 8:2 Res Manag IJARM 18–27.

¹⁶ Arief Budiono & Wafda Vivid Izziyana, "Ilmu Hukum Sebagai Keilmuan Perspektif Paradigma Holistik" 9:1 J Huk Nov 28.

¹⁷ Lexy. J 2004. *Metode Penelitian Kualitatif*. Remaja Rosdakarya. Bandung.

drawn from Jakarta, Semarang, and Surabaya with various communities. Based on internet user survey results, it states that:

No	Question	Total	%
1	Very annoying	29	87
2	Disturb what I do	17	64
3	Causes security problem	24	72
4	Spend working time	25	75
5	Reduced bandwidth usage	18	54
6	Disturbing privacy	27	81
7	Inappropriate ad content	20	60
8	Reduction of data usage	25	75
9	I immediately blocked the pop-up adv	28	84
10	I leave the web when a pop-up appears	21	63
11	No problems with pop-up advertisements to support web content	11	33
12	I am willing to pay for pop-up content that I enjoy	9	27
13	I often accidentally click on a pop-up	26	78

Table 1. Respondent responses to pop-up advertisements

It is essential to summarize the research results regarding consumer response to pop-up advertisements. 87% of consumers disturbed, especially 81% privacy, 84% immediately block pop-ups, 78% often accidentally click on pop-ups and often leave the web when pop-ups appear 63%. The appearance of advertisements that do not allegedly often makes internet users feel annoyed when using the internet when opening certain websites.

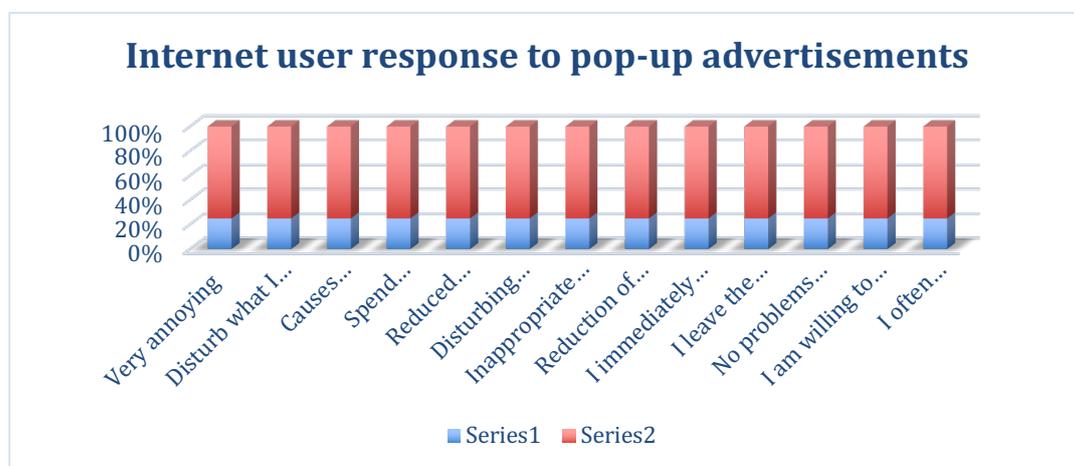


Figure 1. Internet user response to pop-up advertisements

In some instances, when the picture or video appears, it is impossible to attract any attention at all. Most likely, the ad will go straight on bypassed by internet users on any media platform. However, when it turned out visuals or videos displayed following the interests of internet users, see it, usually be seen, or even follow the instructions in the pop-up ad. Only concerned with the exposure that "just scattered "will collide with the user's risk will not see and even immediately close the pop-up ad. Pop-ups support web content is only 33%. Meanwhile, if the pop-up ad is designed by considering prospective users' interests, it remains possible to display.

Question	Total	%
Interest in the pop-up ad contents	9	27
Error in clicking pop-up ads	27	81
Pop-up tricked me into clicking or visually appealing	25	75
A pop-up ad is convincing or provocative	22	66

Table 2. *The decision of respondent when a pop-up ad appears*

The table data shows only a minority of respondent interest with pop up with only 27%. The majority of respondents feel Its error in clicking pop-up advertisements with 81%. Other respondents think the pop-up tricked them into clicking with 75%. With this data, the majority had inconvenience with pop-up advertisements.

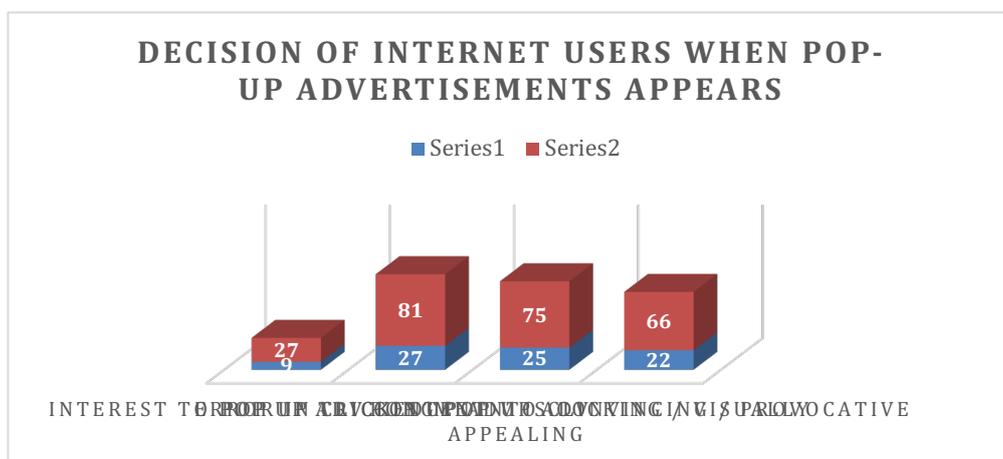


Figure 2. *The decision of the internet users when pop-ups ad appears*

From the data above, the decision of internet users when pop-up advertisements appear online consumer error in clicking the pop-up advertisements. Therefore, advertising becomes an inseparable part of the business. Advertising is considered a powerful way to stand out in business competition and win the market.¹⁸ Nowadays, online advertising is becoming dominant considering the increasing number of internet users. However, this condition raises a variety of different problems.¹⁹ Advertising not only functions informative and persuasive but also has a promotional function.²⁰ The mix of informative and persuasive elements makes an ethical assessment of advertisements more complex. Businesses have come up with numerous advertising schemes suited to Internet technology. There was simple banner advertising. Then came spam and pop-up advertisements. Like all advertising, truthful pop-up advertisements keep consumers well informed. A well-informed consumer base leads to greater competition among firms. In general, advertisements on the internet do not have a good reputation as protectors or fighters of truth,²¹ on the contrary, advertisements seem more like deceiving, misleading, and deceiving the public.²² It is an unethical act.²³ Pop-up advertisements on the internet that are intentionally disrupting article readers have the same goal of winning the hearts of consumers and winning the market competition. Good online advertising will not directly disrupt the convenience of internet users when surfing.²⁴ Based on the

¹⁸ Tamas Fachryto & Adrian Achyar, "The Effect of Online Behavioral Advertising Implementation on Attitude Toward Ad and Purchase Intention in Indonesian E-Marketplace" (2018) 2:2 Sriwij Int J Dyn Econ Bus 120.

¹⁹ Edwards M S & Lee, J H, "Forced Exposure and Psychological Reactance: Antecedents and Consequences of the Perceived Intrusiveness of Pop-Up Advertisements" (2002) 31:3 J Advert 83.

²⁰ Burns, S & Roberts, L D, "Applying the Theory of Planned Behavior to Predicting Online Safety Behavior" (2013) 15:1 Crime Prev Community Saf Int J 48.

²¹ Barnard, L, *The Cost of Creepiness: How Online Behavioral Advertising Affects Consumer Purchase Intention (Doctoral Dissertation)* (United States: University Of North Carolina, 2014).

²² Adolphs, C & Winkelmann, A, "Personalization Research in E-Commerce: A State of the Art Review (2000-2008)" (2010) 11:2 J Electron Commer Res 324.

²³ Belch, G E, et al., "Advertising: An Integrated Marketing Communication Perspective. McGraw-Hill Education" (2014) 32:4 J Advert 422.

²⁴ Morimoto, M & Chang, S, "Consumers' Attitudes Toward Unsolicited Commercial Email and Postal Direct Mail Marketing Methods" (2006) 7:1 J Interact Advert 47.

research results above, most internet users feel disturbed by pop-up advertisements.

Respondents' complaints about annoying pop-up advertisements on the internet reflect the ethical issues of advertising practices and moral issues in an ad.²⁵ The pop-up ad does not apply the ethical principles of advertising, among others, the intent and purpose of advertisers. Thus, advertisers should have reasonable goals and intentions because if advertisers have bad intentions, their morality is also not good.²⁶

In Indonesia, an advertisement that violates the law can be called an intrusive advertisement. For example, ITE Law stipulates that content is prohibited from being circulated, sent, or accessible. Article 27(2) of ITE Law states that people who deliberately without the right distribute or have access to electronic documents containing gambling content. Another example is in the Broadcasting Law. Article 46(3) of the Broadcasting Law states that commercial advertising broadcasts are prohibited from offending religions, ideologies, individuals, or groups. It includes the prohibition to promote alcoholic beverages or addictive substances, promoting cigarettes by showing the form of cigarettes, things that are against the morality of society and religion, and exploitation of children under 18 years. Some provisions can be applied to provide criminal, civil, and administrative sanctions against the perpetrators to view violating content. Furthermore, the advertisement's content must not interfere with misleading elements such as prostitution advertisements, pornographic films, liquor, and others. Advertisements about immoral things are automatically unethical advertisements. The following ethical principle is the conditions and habits of the people referred to in the advertising field.²⁷

²⁵ Quick L B & Stephenson, M T, "Examining The Role of Trait Reactance and Sensation Seeking on Perceived Threat, State Reactance, and Reactance Restoration" 34:3 Hum Commun Res 551.

²⁶ White, T B et al., "Getting Too Personal: Reactance To Highly Personalized E-mail and Pop-Ups Solicitations" (2008) 19:1 Mark Lett 30.

²⁷ Andrews L & Bianchi, C, "Consumer Internet Purchasing Behavior" (2012) 66:10 J Bus Res 1761.

The scope of intrusive advertising that violates the law can be broader and more complex than just content that violates the law. Intrusive advertising can be in the form of serving advertisements viewed from the content side, which may not violate the law but is disturbing because, among other things, it violates consumer privacy. The ad in question can be spam sent via e-mail or SMS. The kind of advertisements that has recently been widely intrusive is regarding telecommunications operator networks before users can access the intended website. Disturbing advertisements are subjective and are influenced by many factors, especially interests. Electronic system operators such as website owners or telecommunication operators are interested in maximizing their services as efficiently as possible. High traffic to their website can be a significant business opportunity. Business actors who will offer their products also have an interest, namely to be given the same chance as other business actors to provide their products through the said website or telecommunication network. The public is interested in maintaining and protecting their privacy and comfort when using paid and complimentary services. Therefore, to provide adequate protection for both consumers and keep the industry attractive, it is one of the proper steps for associations to make internal regulations or collective agreements regarding advertising a product not to disturb users.

IV. INTERNET USERS' PROTECTION FROM POP-UP ADVERTISEMENTS

The technology consists of methods, processes, and tools that humans find to help human activities. It has a revolutionary impact on business and society that creates new ethical problems.²⁸ The internet causes several changes such as globalization, increasing and the loss of distance, the emergence of new ways of communicating, and transferring various media types instantly from one place to another.²⁹ Since 1994, websites have sold

²⁸ Atchariya Chanvanich, K & Okada, H, "How Consumerlifestyles Affect Purchasing Behavior: Evidence from Internet Shopping in Japan." (2007) 2:2 J Entrepreneurship Res 63.

²⁹ Blake F B, Neuendorf, K A & Valdiserri, C M, "Innovativeness and Variety of Internet Shopping" (2003) 13:3 Internet Res 156.

their media space to finance content production. Online advertising on the internet is beneficial for all users, such as advertisers to promote products and services to get new customers, ad networks gather publishers and advertisers, and website visitors use ad impressions as a currency to access the content.³⁰ Evans argues that online advertising can be the most advanced form of marketing because the use of technology facilitates meeting supply and demand.³¹ Marketers target relevant marketing messages to an objective audience and direct them to the right offer. As a result, buyers do not waste time seeing advertisements that do not appeal to them.

Despite this fact, advertisers' swift need and interest led to the emergence of ethical issues created by new technologies related to privacy. Business ethics is a process to evaluate moral standards applied in the business environment rationally. According to Moraes and Michaelidou, the problem of violating advertising ethics on the internet is related to fraud, morality, population targeting, lack of professionalism of advertisers.³² Consequently, displaying advertisements is controversial and provocation. The government supports the use of information technology to reach the global market. The Indonesian government demonstrates this condition to provide internet access and protection facilities to the public through ITE Law.

The use of the internet is an opportunity for businesses to appear to search for consumers. Today, most people spend much time surfing the internet or reading ad-sponsored content through highly targeted digital marketing. Consumers also spend much money to be able to use the internet. Thus, digital marketing provides new opportunities. Using digital marketing can change marketing strategies quickly without affecting brand value. On the other hand, digital marketing can have a harmful impact because manipulative advertisements appear to consumers. One example of digital marketing manipulation in the food industry is manipulating compelling

³⁰ T Ivanjko, *The Influence of Ad Blockers on the Online Advertising Industry* (2017).

³¹ D S Evans, "The Online Advertising Industry: Economics, Evolution, And Privacy" 23:3 J Econ Perspect 73.

³² C Moraes & N Michaelidou, "Introduction to the Special Thematic Symposium on the Ethics Of Controversial Online Advertising" (2017) 141:2 J Bus Ethics 231–233.

languages unnecessarily true (tempting or flavorful) to sales that create urgency, such as offering goods only for a limited time.³³

A pop-up ad is intrusively regulated. Article 27 of revised ITE Law 19/2016 states that everyone intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and electronic documents containing content violate decency. Everyone intentionally and without the right to distribute and/or transmit and/or make accessible electronic information and electronic documents with gambling contents. In particular, this law outlines that such disturbing advertisements relate to religion, ideology, individuals, and groups that offend other parties, promotions of alcoholic drinks and addictive substances, and advertising things contrary to moral norms and values—values in society and child exploitation.

More detailed regulation of disturbing advertisements is regulated by Government Regulation 71/2019 on the implementation of electronic systems and transactions. In Article 91, the role of the government is to facilitate the utilization of information technology and electronic commerce as referred to in Articles 90, 94, and 95. Article 17(1) letter f of Consumer Protection Law states that advertising business actors are prohibited from producing advertisements that violate ethics and the provisions of laws and regulations regarding advertising. Advertising businesses are also prohibited from circulating advertisements that violate these provisions.

In addition, the government has tried to protect through advertising control mechanisms by the government control. The government's important task includes protecting the public against harmful advertisements and pop-up advertisements. In Indonesia, The government also has a role in protecting consumers. This mechanism of protection is through blocking or filtering. It is outlined in the Regulation of the Minister of Communication and Information Technology 19/2014 on the blocking sites with harmful contents. Indonesia is different from the United States. In the US, online

³³ Rina Arum Prastyanti and Singgih Purnomo, Legal Consideration in Digital Marketing, *International Management Journal*, ICUTK Rajamangala Krungthep, 2019.

advertising is under the US Federal Trade Commission (FTC). Therefore, the FTC has the primary task on its hands in regulating and control internet advertising.

In certain respects, The FTC has adapted its consumer protection rules and guidelines to Internet commerce ad specified how such terms as "written," "printed," or "direct mail" is adaptable to the internet. Details of these and guidelines are explained in the FTC's guide for businesses, Dot.Com Disclosures. In addition, the fundamentals are stated in the report from the FTC's workshop on Spyware. Section 5 of the FTC Act grants the agency authority to expose "deceptive" or "unfair." An unfair practice causes or is likely to cause substantial financial and privacy damage to consumers without benefiting consumers. The loss or damage must not have been reasonably avoidable. Deception is defined as a representation, omission, or practice that is likely to mislead consumers to their detriment who act reasonably under the circumstances.³⁴

Society control through the community can assist the government in controlling advertising. It is an effective way to counteract the negative impacts that harm internet users. In Indonesia, the Indonesian Consumers Foundation and the Consumer Development and Protection Foundation have been formed. In some regions, there are non-government organizations aimed at consumer advocacy.³⁵

In the case of pop-up advertisements that interfere with internet users, the annoying nature of such advertisements becomes broader than merely displaying advertising content that violates the law.³⁶ Interfere with the intent of internet users as has been mentioned in the results of research that states that internet users feel lost much time when they have to wait for video advertisements to run for a few seconds, some pop-up advertisements cause reduced bandwidth and even reduce data even though the content is not contrary to law legally, but this is still considered to disturb the privacy of

³⁴ K Davis & W Frederick, *Business and Society* (New York: McGrawhill, 1984).

³⁵ Schlosser, A E, "Experiencing Products in the Virtual World: The Role of Goal and Imagery in Influencing Attitudes" (2003) 30:1 J Consum Res 194.

³⁶ Ward R M & Lee, M T, "Internet Shopping, Consumer Search, and Product Branding" (2000) 9:1 J Prod Brand Manag 16.

internet users significantly if it interferes with internet users on one of the websites.³⁷

An internet user finds it difficult to reject pop-up advertisements when the ad appears quickly because of closing one version of the Whack-A-Mole carnival game. This ad usually fulfills part or all of the website that the user wants to see. Pop-under advertisements may not close the entire website, but they remain to require internet users to close the window or delete it from the desktop. This pop-up ad aims to force users to see advertisements that they might not want to see-page make another ad appear.³⁸

The annoying nature of pop-up advertisements is influenced by several factors of interest, including businesses that use advertisements to promote products through websites.³⁹ These electronic system organizers, namely website owners and telecommunications operators, who provide service facilities bearing in mind the level of user needs and website usage are increasing, bringing the impact of business opportunities and significant economic improvements and people interested in using the website safely and comfortably.⁴⁰ Due to this condition, internet users should be optimally protected while maintaining industries that use the internet to remain competitive and attractive. Associations should make self-regulation or code of ethics so that advertisers, business people, and internet users should not disturb each other.⁴¹

The US Federal Law would give consumers complete protection against unwanted intrusions and another tool to fight them off. Industry self-regulation and software solutions such as pop-up blockers and spyware

³⁷ E D Schiefelbine, "Stopping A Trojan Horse: Challenging Pop-Up Advertisements and Embedded Software Schemes on the Internet Through Unfair Competition Laws" (2003) 19:2 St Clara High Technol Law J 446.

³⁸ Rina Arum Prastyanti & And Wijiyanto, "Law Enforcement Optimisation on Pop Up Advertisement on Internet." (2019) 356 Adv Soc Sci Educ Humanit Res 6.

³⁹ K Bodden, "Pop Goes The Trademark? Competitive Advertising on the Internet" (2005) 12:1 Shidler J Com Tech 76.

⁴⁰ Michel A Leon, "Unauthorized Pop-Up Advertising and the Copyright and Unfair Competition Implications" (2004) 32:4 Hofstra Law Rev 394.

⁴¹ Jonathan Russek, "Pop-Ups, Pop-Unders, Interstitials and Rich Media-New Forms of Internet Advertising, E-Commerce L. & Strategy" (2002) 19:3 5.

scanners are valuable and necessary but not sufficient protection. Individuals should not be left to fend for themselves, nor should the industry be trusted to take care of the problem. Furthermore, individual Internet users, like any distributed demographic, should not be expected to come together on their own to organize and express their grievances against intrusive and damaging advertising practices. Instead, this is the task of government. A law would show, with one voice, that the people do not accept such rules. More importantly, it would establish a set of baseline standards by which all Internet-based advertising must abide, whether it be pop-up advertisements or any other future form of advertising.

An essential component to future strategies for dealing with pop-up advertisements and other forms of intrusive advertising is close coordination between government and industry. In general, the legislative and judicial systems face significant challenges when dealing with technology-related issues simply because so much of the technology itself is new. If informed action is to be taken by governments, the judges and legislators must receive guidance from the people who know the technology best - those who develop it. For example, Microsoft filed an affidavit in the FTC case against Seismic Entertainment explaining how a security vulnerability in its Internet Explorer was being exploited to distribute software. Such cooperation should be encouraged in the future.

Policies aimed at combating intrusive Internet advertising must include consumer education. Half of the world's computers do not even have essential protection against virus attacks, despite years of consumer education about viruses. More work needs to be done by industry and the government to communicate computing risks to the public. All associations have accepted the code of ethics⁴²Ad serving acceptance awaits approval from users. Without user consent, then pop-up advertisements cannot automatically appear. It applies to an electronic system as a form of protecting privacy from website operators and internet users. The acceptance had provided a standard price and standard cost for the website and an electronic system for business

⁴² Mary M Luria, "Controlling Web Advertising: Spamming, Linking, Framing, and Privacy" 14:11 J Comput 10.

and law. It can protect fair competition in the industry. Providers of electronic systems must maintain the quality of service to users.

A concrete form of protection for internet users from pop-up advertisements is Indonesian Advertising Ethics. The Indonesian Advertising Board is familiar with ten competent associations or institutions that have agreed to advertise. Article 4.5 of the Indonesian Advertising Ethics explains the prohibition on displaying advertisements that interfere with habits and the public's freedom to search and interact with sites on the internet. Self-regulation is used as a guide in advertising goods or services via the internet.⁴³ Then, Indonesian Pariwara Ethics has an essential place in moral values that support the Act.

Under the lens of consumer protection law, it is divided into two groups, inter alia, justice as a business actor and fairness as a consumer. The law was created to reduce internet usage negatively. In its implementation, it has deviated from the initial format. Ad serving is positive but not inferior to anything the negatives it generates. Ineffective consumer protection laws and broadcasting laws protect and provide online consumer justice. It is necessary to improve the substance of the law, law enforcement, and legal culture of the community, in this case, online consumers.

Internet users, in this case, information system providers and website and site owners, can no longer be restricted because anyone and anywhere in the world can access and disseminate information systems, including the use of pop-up advertisements. This condition Indonesian Pariwara Ethics will not be able to provide maximum protection to internet users. In the Netherlands, ad blocking software is created to eliminate pop-up advertisements.⁴⁴

⁴³ A R Marcar, *Etika Pariwara Indonesia: Tata Krama dan Tata Cara Periklanan di Indonesia (Advertising Ethics in Indonesia: Methods and Ethics of Advertising in Indonesia)* (Jakarta: Dewan Periklanan Indonesia, 2007).

⁴⁴ "The Cost of Ad Blocking: Ad Blocking Report," (2017), online: *PageFair Adobe* <<https://downloadadvertisements.pagefair.com/wp->>. See also: European Commission, "Behavioral Study On Advertising And Marketing Practices In Online Social Media," (Brussels: European Commission. 2018).

The number continues to increase, 77 million users in 2016 and 50 million in 2017 in the Netherlands and America.⁴⁵ In Indonesia, the use of adblocker or ad-blocking software has also been used independently by internet users. Some ad blocking software often used include Adway works by sending advertisements to other places to not appear on the smartphone screen. Adblockplus, an ad-blocking application, has functioned as a web traffic filter.⁴⁶ Adblock browser works to block all advertisements that appear when internet users are browsing. DNS66 is a simple application that will block all advertisements on the internet. This application net guard helps secure the device from viruses and saves data.



Figure 3. *Net Guard Application*

Software to block these advertisements does not harm the advertising business, bearing in mind that electronic system organizers and web and site managers benefit from the pop-up advertisements. Moreover, electronic system providers, web managers, and online advertising commit to exchanging advertising costs with free internet usage. Thus, an online advertising model should be created, which makes the pop-up ad unnecessary to block.⁴⁷ The model of advertising businesses must guarantee the security of internet user data, optimization of content, and the approval of internet users.⁴⁸

⁴⁵ *Ibid.*

⁴⁶ Andre L Bus, "Legal Troubles Popping-Up for Online Advertising Firm" (2002) 3:11 Online Litig 203.

⁴⁷ Lawrence M. Hertz, *supra* note 10.

⁴⁸ C Moraes & N Michaelidou, *supra* note 32.

The function of advertising is basically to increase sales volume. Advertisements must be convenient to internet users by taking into account the advertisement characteristics. They play a vital role as mediating variables for attracting and retaining consumers on real-time media channels. Thus, marketers and advertisers consider these variables a significant influence on online digital advertising to build brand sustainability. As the new interactive media has grown, consumers need more moving objects and animation to pay more attention to a particular advertisement. The characteristics played a vital role in the overall attraction of consumers, which offer a competitive advantage to the organization and lead to higher revenues. The customers are interested in the long-lasting outcomes of online advertisements that also attract consumers by providing rich quality material on the advertisements. Thus, companies should take care of the contents of the online advertisements while making their online digital advertising media for building brand sustainability. If the advertisements display for a more extended period, it carries more customer attention and chances of retention. This carryover effect may differ across different digital media; for instance, e-mail has a more significant carryover effect when compared to the other digital online medium.

By creating a new online ad model, internet users can accept pop-up advertisements. Besides, it is crucial to optimize the advertisement quality displayed on social networks as a platform. Therefore, online advertising businesses must start leaving pop-ups, replace them with static banners with native ad formats, and use limited frequency restrictions to prevent excessive visitors. Finally, internet users will click on advertisements because they are interested in quality, valuable, and relevant content.

IV. CONCLUSION

The increasing use of the internet has changed marketing strategies. Businesses have used online advertising to increase sales volume. One of the online advertising activities is using pop-up advertisements, which is very disturbing for internet users. Currently, the Indonesian government has tried to protect internet users by issuing Law 19/2016 on Amendment to ITE

Law and Consumer Protection Law 8/1999 on and associations advertising business actors have made Indonesian Advertising Ethics. However, those cannot protect internet users optimally from violations of business ethics of online advertising business actors considering that online advertising business actors are not in Indonesia's jurisdiction. Ultimately, internet users must be able to eliminate advertisements by using ad blocking technology.

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COMPETING INTEREST

The authors declared that they have no competing interests.

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