

Consumer Legal Protection in E-Commerce Transactions: Consumer Protection Law Perspective

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ABSTRACT

In the digital era marked by rapid advancements in information and communication technology, e-commerce transactions have become increasingly common, transforming traditional trading methods. This article discusses consumer legal protection in e-commerce transactions from the perspective of the Consumer Protection Act in Indonesia. Although e-commerce offers convenience and efficiency, consumers often face risks such as product discrepancies, delivery delays, and payment security issues. This research employs a normative juridical method with secondary data collection through literature studies. The findings indicate that despite laws designed to protect consumers, suboptimal implementation and a lack of consumer awareness about their rights exacerbate the situation. Effective legal protection requires collective efforts from the government, businesses, and consumers to enhance awareness and compliance with existing regulations.

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INTRODUCTION

In the current era of globalization, the world is experiencing extraordinary technological progress, triggering major transformations and shifts in various aspects of life. This technological progress has become a driving force for trade and economic growth, as evidenced by the rapid development of business in society. Advances in internet-based digital technology are one of the main factors triggering this phenomenon.

The internet, a means of digital information and communication, has become a fundamental element in various human activities. Starting from searching for the latest data and information, communication via email, to trade and business activities. This development opens up new opportunities and facilitates various activities, encouraging economic growth and improving community welfare.

In this digital era, the emergence of various digital services has brought much convenience and speed to various aspects of life. One of the significant impacts can be seen in the world of trade, especially during the pandemic. Buying and selling products and services, whether promotions, marketing, sales or purchases, can now be done electronically via e-commerce platforms.

E-commerce, or the abbreviation for electronic commerce, is a trade transaction carried out between sellers and buyers via electronic media (internet) without the physical presence of both parties. These transactions can be carried out anywhere and at any time, beyond territorial boundaries and national regulations.

Even though they are carried out online, e-commerce transactions still refer to the principle of consensualism, namely an agreement between the seller and the buyer. An agreement is created through an offer from the seller and an acceptance from the buyer. The process is no different from conventional transactions, only the media is different, namely the internet. The development of digital services has revolutionized the way we transact, making trade easier, faster and reaching global markets. E-commerce is the right solution during the pandemic, where restrictions on mobility and social interaction have become commonplace.

The development of information and communication technology has brought significant changes to the world of commerce, including the widespread use of e-commerce. This not only has an impact on Indonesian society, but also the international community at large. The COVID-19 pandemic situation that is currently hitting the world is accelerating the adoption of e-commerce. Restrictions on activities outside the home encourage people to turn to online platforms to meet their daily needs, including shopping.

The impact of this pandemic has also resulted in layoffs in various sectors. This encourages many people to look for new income alternatives, and e-commerce is one promising solution. The emergence of many new business actors on e-commerce platforms offers a variety of products and services. This makes it easier for people to shop online, and encourages an increase in buying and selling transactions via the internet.

The emergence of e-commerce does not only bring benefits to producers or sellers. Consumers also feel the benefits, because they can search for goods or services and have many choices without having to visit a physical store. Consumers can also get information that is always updated. However, on the other hand, e-commerce transactions are vulnerable to violations of consumer rights, such as inconsistencies in the type and quality of promised goods, delays in delivery, and insecurity in payment transactions. Therefore, legal protection for consumers in e-commerce transactions is very necessary to provide legal certainty for consumers. In Indonesia, consumer legal protection is regulated in Law no. 8 of 1999 concerning Consumer Protection (UU PK). This law is expected to provide legal certainty to consumers who carry out e-commerce transactions, so that they feel safe in their transactions. Consumer protection law is a branch of law that aims to protect consumer rights and ensure that consumers receive goods and services that are safe, of good quality and in accordance with what was promised by the producer or seller. This law regulates the relationship between consumers and business actors, as well as establishing standards and responsibilities of business actors towards consumers.

The main aim behind the Consumer Protection Law (UU PK) is to encourage national progress. The goal is to create a just and prosperous society, both materially and spiritually, within the framework of economic democracy based on Pancasila and the 1945 Constitution. In this era of globalization, national economic development must be able to support the development of the business world, thereby producing various products and services with technological content that can improve people's welfare. Another aim of the PK Law is to ensure the quality of goods and services obtained by consumers in trading activities. This is done to protect consumers from potential losses.

National markets that are open due to economic globalization must focus on improving people's welfare. This can be achieved by ensuring the quality, quantity and safety of goods and services obtained in the market. To achieve this goal, efforts need to be made to increase consumer awareness, knowledge, concern, ability and independence. Consumers must be encouraged to protect themselves and act responsibly towards businesses.

Electronic commerce or e-commerce presents an innovative way of transactions, where sellers and buyers can exchange goods and services without meeting face to face. This online platform not only reaches Indonesian territory, but also facilitates cross-border trade.

The development of information and communication technology has given birth to various e-commerce platforms that bring convenience and benefits to many parties. However, behind this convenience, there are also loopholes that have the potential to cause legal problems. Therefore, comprehensive legal regulations are crucial to ensure security and fairness in e-commerce transactions.

In Indonesia, Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) and Law Number 7 of 2014 concerning Trade are the main legal basis for regulating e-commerce transactions. In this digital era, the ITE Law is here to cover various legal activities carried out through the electronic realm, such as computers, the internet and other digital media. Electronic transactions have also become one of the main focuses of the ITE Law, where all forms of legal actions involving these devices are legally recognized and regulated. This includes various activities such as buying and selling, exchanging information, and providing services online.

RESEARCH METHODS

This research is based on normative juridical research methods. Data collection was carried out through literature studies, which are classified as secondary data. The secondary data in question includes primary legal materials such as statutory regulations, secondary legal materials such as books and scientific journals, as well as tertiary legal materials such as legal dictionaries and legal encyclopedias.

RESULTS AND DISCUSSION

Aspects of Legal Protection for Consumers

According to the Consumer Protection Law (UU PK), consumers are individuals who use goods or services available in society, whether for personal, family, other people or other living creatures, not for resale. Consumers generally refer to the final recipient of products delivered by entrepreneurs, namely individuals who obtain goods for use, not for trade or resale. On the other hand, business actors are defined as individuals or business entities, whether in the form of legal entities established and domiciled in Indonesia, or which carry out activities in the jurisdiction of Indonesia, either independently or jointly through agreements, to carry out business activities in various economics.

The interaction between business actors and consumers is like a symbiotic mutualism, needing each other for survival. However, in order to achieve balance and protection, regulations are needed that guarantee legal certainty for consumers. This is because consumers are generally in a weaker position than business actors, both in terms of economy, education, ability, competitiveness and bargaining power.

The PK Law is a legal umbrella that covers consumer rights and ensures that they receive fair treatment in buying and selling transactions. Article 1 paragraph (1) of the PK Law emphasizes the commitment to protect consumers through legal certainty. This legal certainty is realized by providing guarantees for consumer rights, such as the right to information, the right to product safety, the right to choose, and the right to receive compensation for losses experienced. This aims to prevent business actors from acting arbitrarily which harms consumer rights.

Legal Aspects in E-commerce Transactions

The digital era has revolutionized the way humans make transactions, changing the traditional concept of buying and selling into an innovative online system. E-commerce, or the abbreviation for electronic commerce, exists as an answer to the needs of modern society who want convenience and efficiency in shopping. E-commerce can be defined as the process of buying and selling transactions carried out via electronic media, without requiring a physical meeting between the seller and the buyer. These transactions can cover various types of goods and services, from physical products to digital services.

The internet acts as the main medium in e-commerce, providing a platform for sellers and buyers to connect and carry out transactions. This allows transactions to be carried out without geographical restrictions, opening up wider market opportunities for business actors. Furthermore, e-commerce is not only limited to traditional buying and selling transactions, but also includes various other business activities, such as data exchange, negotiation, and marketing. This makes e-commerce a complex and dynamic business mechanism, with various benefits for stakeholders.

E-commerce transactions include three main types:

1. Business to Business (B2B): Transactions between companies, such as purchasing raw materials by manufacturing companies from suppliers.
2. Business to Consumer (B2C): Transactions between companies and consumers, such as purchasing products by consumers from online stores.
3. Consumer to Consumer (C2C): Transactions between consumers, such as selling used goods on online platforms.

Complex e-commerce transactions involve various parties, from those directly involved to those involved indirectly. Transactions can be carried out completely online or only in a few stages. Agreements in e-commerce generally take the form of electronic contracts that are made unilaterally by business actors and disseminated via websites. Consumers must carefully read and understand the contract before making a transaction.

Consumer protection in e-commerce is guaranteed by the Consumer Protection Law (UU PK). The PK Law regulates the rights and obligations of consumers and business actors, as well as dispute resolution mechanisms. Legal protection for consumers in e-commerce can be carried out before and after the transaction. Before a transaction, consumers have the right to obtain correct and complete information about products or services. After the transaction, consumers have the right to product guarantees, after-sales service and complaint resolution.

Consumer protection in Indonesia is regulated in the Consumer Protection Law (UU PK). The PK Law guarantees legal certainty for consumers by protecting their rights. This is reinforced by special laws and aims to prevent arbitrary actions by business actors that harm consumers.

Implementing consumer protection as a joint effort is based on five principles:

1. Principle of Benefit: Consumer protection must be pursued in a way that provides optimal benefits for all parties, both consumers and business actors
2. Principle of Justice: All people need to maximize their participation and provide opportunities for consumers and business actors to obtain rights and carry out obligations fairly.
3. Principle of Balance: Building synergy between elements: consumers, business actors and government, in order to realize a balance of interests in material and spiritual aspects
4. Principles of Consumer Security and Safety: Protecting consumers' rights to security and safety in using products and services.
5. Principle of Legal Certainty: Law enforcement and justice for consumers and business actors are the main keys in implementing consumer protection. The state is obliged to guarantee legal certainty in this matter.

The government has enacted the Consumer Protection Law (UUPK) to protect consumer rights in various transactions, including electronic transactions. However, there are still many consumers who suffer losses, especially in online transactions. E-commerce transactions have two sides. On the one hand, this transaction is very profitable because consumers do not need to meet the seller directly to buy goods. On the other hand, this transaction also risks harming consumers if the seller does not have good intentions.

There are many cases where consumers have paid but have not received the goods they ordered. This happens because of limited information about the seller. Consumers only get the information listed in the seller's profile, and often this information is inaccurate or incomplete. When consumers attempt to track sellers through their phone number or social media accounts, they often fail because the seller blocks them after the transaction is complete. This means that consumers do not have the legal power to resolve disputes.

The digital era characterized by rapid advances in information technology has brought transformation in various aspects of human life. This has given rise to various forms of new legal acts that are adapted to the dynamics of the times. Trade and global economic growth today cannot be separated from the important role of information technology. However, the freedom of business actors to utilize this technology creates a dilemma for consumers, where they have difficulty distinguishing between official and unofficial business actors.

The government shows its concern for the progress of information and electronic transactions by presenting the ITE Law. Utilization of this technology aims to:

1. Increase the nation's intelligence so that it is able to compete in the global information era.
2. Develop trade and the national economy to improve people's welfare.
3. Increase the effectiveness and efficiency of public services so that they are more accessible and useful.
4. Open opportunities for everyone to develop their abilities and thinking in utilizing information technology optimally and responsibly.
5. Create a sense of security, justice and legal certainty for users and providers of information technology.

The Information and Electronic Transactions Law (UU ITE) regulates provisions related to electronic transactions, which are contained in several articles:

Article 17:

- Organizing electronic transactions: Can be done in public or private spaces.
- Principle of good faith: The use of electronic media is mandatory for all parties when exchanging information and documents during the transaction process
- Further provisions: Regulated in government regulations.

Article 18:

- Electronic contracts: Binding the parties involved.
- Choice of law: The parties have the right to choose the law applicable to international electronic transactions.
- Private International Law: Used if the parties do not choose the law in international electronic transactions.
- Dispute resolution forum: The parties have the right to choose a court forum, arbitration, or other alternative dispute resolution institution to handle disputes arising from international electronic transactions.

- Private International Law: Used if the parties do not choose a dispute resolution forum in international electronic transactions.

Articles 19 and 20:

- Electronic system: So that electronic transactions can run safely and securely, the use of an electronic system that is agreed upon by all parties is mandatory.
- Exceptions:
 - If otherwise determined by the parties.
 - Electronic transaction settlement takes place after the transaction offer from the sender has received approval and acceptance from the recipient.
 - Acceptance of offers in electronic transactions must be done electronically.

Consumer disputes are disputes that arise due to violations of consumer rights. This dispute is not only limited to the realm of civil law, but also includes aspects of criminal law and state administration. Therefore, the use of the term "consumer transaction dispute" is deemed inappropriate because it seems to narrow the scope of the dispute and only focuses on aspects of civil law.

CONCLUSION

The digital era characterized by rapid advances in information technology has brought significant transformation in various aspects of life, including in the realm of trade. The emergence of e-commerce as a new platform for buying and selling activities has revolutionized the way of transactions, no longer bound by time and space. However, behind its convenience and benefits, digital trade is not free from legal loopholes. The ITE Law and PK Law, although they regulate electronic trade and transactions, are still not fully effective in ensuring legal protection for consumers.

Cases of consumer rights violations and non-performance are still widespread, indicating that the implementation of existing regulations has not been optimal. Consumers' lack of education and understanding of their rights also makes the situation worse. Therefore, collective efforts are needed from various parties, including business actors, consumers and the government, to increase awareness and concern for legal protection in digital commerce. Massive outreach and education, strict law enforcement, and adaptive regulatory improvements are the keys to creating a safe, fair and responsible digital trade ecosystem.

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