

Buying and selling online: Legal protection for consumers using e-commerce

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ABSTRACT: The purpose of study is to review the performance of consumer protection guarantee institutions and their role in protecting consumer rights. National development is manifested through a democratic economic development system so that it is able to grow and develop the world to produce goods and services that are suitable for consumption by the community. The study used qualitative approach. The approach used descriptive analysis with literature study review. The result of study that there are several institutions authorized to protect consumers. They are National Consumer Protection Agency, Non-Governmental Consumer Protection Agency, Indonesian Consumers Foundation, Consumer Dispute Settlement Agency. These consumer protection institutions have their own roles in providing protection to consumers, such as receiving complaints about consumer protection from the public, collaborating with relevant agencies in an effort to realize consumer protection, supervising the implementation of consumer protection and resolving disputes related to consumer protection.

KEYWORDS: Legal protection consumers, e-commerce, Buying and selling online

1. Introduction

The terms of sale and purchase are known by the existence of two parties, namely producers (people who make or produce a product), and consumers (people who use the results of production goods). Sometimes manufacturers are not always directly connected directly to consumers. They need a third party who acts as a seller as well as promoting the product. In today's technological sophistication, promotion can be through mass media or electronic media (digital media). Not infrequently they also meet through these media until they transact through digital media e-commerce (Harianto et al., 2020; Oktaputriviant, 2018). This is essential, especially in the online transaction era (Internet-based) because it is minimize face-to-face buying, then technology is a solution to keep the communicating and process of transaction (Hastuti & Setyawan, 2021).

The definition of a consumer can mean as a service user. In Law No. 8 of 1999 concerning consumers are the last chain in the product flow after producers and distributors (Budiman & Samani, 2021; Nastiti & Abdu, 2020; Setyawan, 2020). Consumer protection is very important for the seller as a business actor, because it can prevent sellers from doing things that are prohibited by law and can also prevent losses to the buyer, namely the consumer (Wijayati et al., 2019; Karyoto 2020). If someone understands consumer protection law, they will not violate the law that has been made with the aim of protecting consumers (Ramkissoo et al., 2020; Puspitasari et al., 2020; Setyawan, 2017)

Consumer protection is the entire regulation and law that regulates give interests of

consumers (Setyawan & Nawangsari 2021). This can be in all buying and selling transactions, in person or online as is now increasingly prevalent. Even though there are transactions that are not face-to-face, consumers are still entitled to get goods according to prior notification or goods as promised (Beaven et al., 2014). Consumers are divided into 2 types, namely: Individual Consumers and Organizational Consumers (Shalahuddin et al., 2021; Saptaria, 2021).

Consumer rights are rights that every consumer has. Rights as consumers are regulated in the Consumer Protection Law Number 8 of 1999 concerning Consumer Protection of the Republic of Indonesia which is based on the 1945 Constitution Article 5 paragraph (1), Article 21 paragraph (1), Article 27, and Article 33 which can be known as following: 1) The right to choose goods. Consumers have full rights in choosing goods that will later be used or consumed. 2) Right to compensation and compensation. Consumers have the right to receive compensation or compensation for losses they receive in a sale and purchase transaction. 3) The right to obtain appropriate goods/services. Consumers have the right to get products and services in accordance with a written agreement. 4) The right to receive the truth of all definite information. The most important thing for consumers is to know what information is related to the product they buy. 5) Service rights without discrimination (Indonesia, 1999; Rifai, 2020).

Based on the discussion above researcher want to review from literature and legal regulation of protection customers'. In Indonesia, what types of institutions are focused on protecting consumer rights and their roles?

2. Material and methods

The study used qualitative approach. The approach used descriptive analysis with literature study review. According to Bito et al., (2021; Sari 2021), literature study focuses analysis knowledge on a particular topic. Moleong (2021) stated that a literature study aimed to analyze documents and article through summary, classification and comparison of research studies, reviews of literature and theoretical from experts.

3. Results and Discussion

Result determination, in Article 2 of UUPK 8/1999, with the following explanation. 1) Benefit Principle Consumers as well as business actors or producers are entitled to receive the benefits provided. 2) The Principle of Justice Consumers and producer's/equitable manner. 3) Principle of Balance, a reference to consumer protection laws. 4) The principle of safety and security of consume. 5) Principle of Legal Certainty, a provision of legal certainty for producers and consumers in complying with and carrying out legal regulations with what are their rights and obligations(Herry Setyawan et al., 2019; Nasution, 2019).

Consumer protection give customer enjoy feel. In an effort to carry out consumer benefit activities, institutions or agencies are needed that become a forum for consumers. Institutions or agencies in consumer protection, among others:

- 1) National Consumer Protection Agency
- 2) Non-Governmental Consumer Protection Agency
- 3) Indonesian Consumers Foundation
- 4) Consumer Dispute Settlement Agency

Consumer protection institutions have their own roles in terms of consumer protection, namely:

1) National Consumer Protection Agency

The functions and roles of BPNP are regulated in Article 34 of the UUPK. The role of NCPA in terms of consumer protection, among others:

- It can conduct surveys concerning consumer needs to protect their privacy.
- disseminate information through the media regarding consumer protection
- provide suggestions for protection.

2) Non-Governmental Consumer Protection Agency

Its role is to provide protection to consumers from soaring prices on the internet which can be found in Article 44 paragraph (4) of the UUPK, Christina & Fahamsyah, (2018) including:

- It can disseminate information to consumers in consuming goods and/or services.
- provide advice to consumers who need it.
- cooperate with relevant agencies in an effort to realize consumer protection.
- assist consumers in fighting for their rights, including receiving consumer complaints or complaints
- carry out the community on the implementation of consumer protection.

3) Indonesian Consumers Foundation (ICF)

The role of ICF in providing protection to consumers, according to Indah Sukmaningsih, (1998), is "to make the situation more favorable to consumers with the results of surveys and research conducted, trying to change the situation through dialogue with decision makers and consumers to solve their problems with the government (DEWI, 2017).

4) Consumer Dispute Settlement Agency (CDSA)

The agency or institution that has the most important role if there are consumers who need protection from soaring prices on the internet is the Consumer Dispute Resolution Agency (Samosir, 2018; Saptaria & Setyawan, 2021). The duties and authorities of BPSK are stated in Article 52 of the UUPK. In Article 54 paragraph (1), paragraph (2), paragraph (5), and paragraph (11). The UUPK stipulates that, in resolving consumer disputes, an Assembly consisting of at least 3 (three) members is formed, assisted by a clerk. The decision handed down by the BPSK Assembly is final and binding. Sanctions imposed for violations of UUPK are administrative sanctions and criminal sanctions, the existence of these two sanctions is

expected to have a deterrent effect so that there are no more violations to consumers, so that consumers get the rights they should as consumers.

Electronic contracts and consumer protection under UU ITE and PP PSTE

Even though buying and selling transactions are carried out online, based on the ITE Law and PP PSTE, they are still recognized as legal and accountable electronic transactions. Approval to purchase goods online by means of approval of the transaction is a form of acceptance which expresses approval in the agreement on electronic transactions (Rifai et al., 2020). The act of acceptance is usually preceded by a statement of approval of the terms and conditions of buying and selling online which can also be said as a form of electronic contract. An electronic contract is considered valid if:

- There is an agreement between the parties
- Conducted by a competent legal subject or authorized to represent in accordance with the provisions of the legislation
- There are certain things
- The object of the transaction must not conflict with the laws and regulations, decency, and public order.

The electronic contract must at least contain:

- Identity data of the parties
- Objects and specifics
- Electronic transaction requirements
- Prices and fees
- Procedure in case of cancellation by the parties
- Provisions that give the injured party the right to be able to return the goods and/or request a replacement of the product in the event of a defect
- Choice of legal electronic transaction settlement

Thus using the ITE Law and/or PP PSTE as a legal basis in solving problems.

4. Conclusions

It can be concluded that There are several institutions authorized to protect consumers, including NCPA, NGCPA, ICF and CDSA (Alfian, 2019; Tobing, 2019). These consumer protection institutions have their own roles in providing protection to consumers, such as receiving complaints about consumer protection from the public, collaborating with relevant agencies in an effort to realize consumer protection, supervising the implementation of consumer protection and resolving disputes related to consumer protection.

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