



Problematics of Consumer Protection in Business Activities

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Abstract

The problem that occurs in consumer protection is the lack of regulation regarding setting minimum and maximum standards in the value issued by each product and brand so that consumers feel confused in determining these products and weak supervision can affect producers and business actors in setting value so that it has the potential to harm consumers. components that affect consumer protection are caused by the application of regulations or consumer protection rules that are not comprehensive, and leave gaps that can harm consumer rights in the cellular ecosystem, especially if it involves non-financial institutions, and consumer protection by non-financial institutions is much weaker than protection by bank payment service

Keywords: *Consumer Protection, Consumer Law, Problems*

A. Introduction

The Basic Law of the Republic of Indonesia 1945 and Pancasila as the foundation of the state¹ The State of Indonesia that laid down the law must basically be in accordance with the noble values of the nation which laid this noble value as a foundation of the Indonesian nation. To that end, the existence of the Indonesian state as a state of law must be demonstrated by the presence of institutions that provide protection to its citizens in particular against electronic transactions carried out by consumers,² in accordance with this was born the regulation of Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen (disingkat UUPK) di Indonesia sangat penting dapat dilihat pada UUPK bagian menimbang, antara lain: bahwa pembangunan nasional bertujuan untuk mewujudkan suatu masyarakat adil dan makmur yang merata materiil dan spiritual dalam era demokrasi ekonomi berdasarkan Pancasila dan Undang-Undang Dasar 1945.³ Sejalan dengan hal ini problematikan penerapan regulasi ini mendapatkan permasalahan serius menginggat regulasi ini dalam implementasinya belum memberikan jawaban terhadap masalah

¹ Roni Sulistyanto Luhukay, "Penghapusan Izin Lingkungan Kegiatan Usaha Dalam Undang Undang Omnibus Law Cipta Kerja", Jurnal Meta-Yuridis, h. 101

² Roni Sulistyanto Luhukay, "Indenpendensi Kekuasaan Kehakiman Pasca Amandemen Uud 1945 Dan Relevansinya Bagi Penegakan Hukum Berkeadilan", Jurnal Jurisprudentie Uin Alauddin Makassar, Vol. 6 No. 1, Juni 2019, h. 136.

³ Erman Rajagukguk dalam Celina Tri Siwi Kristiyanti, 2008, *Hukum Perlindungan Konsumen*, Jakarta, Sinar Grafika, h. 3



perlindungan hokum yang menyebabkan moncul ketidakpercayaan masyarakat Act No. 8 of 1999 on Consumer Protection (UUPK) against the electronic transactions.

Consumer protection has been a topic of much discussion in recent years. Consumer protection has been a topic of much discussion in recent years. Building consumer confidence is important, and also transparency and integrity of transactions to reduce the risk and uncertainty of purchasing this thing needs to be ensured by the court through the institution in carrying out its supervisory functions⁴. Consumer protection exists in many areas, one of which is on e-commerce, which is not limited to a particular country but also has a significant impact on economic growth and trade. As the cost of information decreases and distance becomes less important, markets grow in size and competition increases. While consumers clearly benefit from the expansion of markets and more intense competition, the effects on sellers are more ambiguous: Although consumers benefit from market expansion, as consumers can reach more potential customers, consumers are also facing more intensive competition.

Many countries use two legal instruments to address market failures, one of which is an antitrust law aimed at promoting competition for the benefit of consumers, where common concerns are pricing and other collusion agreements between competitors, mergers and acquisitions that substantially reduce competition, and abuse of monopoly power. The second legislation guarantees consumer rights, to do so, agents target sellers who commit fraud, apply minimum product quality, and beware of unfair behaviour that may harm consumers. In the regulation of consumer protection and the existence of monopolies and unhealthy competition business will remain in its implementation can not run as it should. To that end, the reform of the legal regulation on consumer protection and unhealthy business competition needs to receive serious attention, given that, society, requires enormous effort and must be based on the background of fixed values of implementing organizations, and with sufficient flexibility to react to actual changes,

⁴ Rakesh Belwal, Rahima Al Shibli, and Shweta Belwal, "Consumer Protection and Electronic Commerce in the Sultanate of Oman", *Journal of Information, Communication and Ethics in Society*, Vol. 19 No. 1, 2021, h. 38-60.



especially those relating to political actors and entrepreneurs.⁵ Based on this, the writer is attracted to study consumer interference in business affairs.

B. Research Method

This study uses normative law that is conducted with a jurisprudentially normative approach, it is a legal research conducted by studying library materials, which uses the objects of writing study of existing libraries, both books, magazines, and regulations that have a correlation to the discussion of problems. In this study, it uses aspects of approach, legislative approach (Statute Approach), and conceptual approach (*Conceptual Approach*)⁶ In the Statute-Approach approach, the author outlines the hierarchy, and the foundations of the rule of law.⁷ In addition, in this study the author uses conceptual approach aspects (*Conceptual Approach*), where the author attempts to delineate legal concepts based on the legal views of experts and emerging doctrines in science and technology, especially in the field of legal science, as well as using comparisons of law with other States in consumer protection arrangements.⁸

C. Results and Discussion

1. Problematising consumer protection in business activities

The law is a tool in regulating society's life according to this Law formed on the basis of Roscoe Pound's view of *law as a tool of social engineering*⁹ can be used as a function of the law which is a means that can create a justice in legal certainty as well as a means of guaranteeing created legal protection to the public in particular in ensuring the legal protection of consumers.

In the United States the law is used as a wife in such services as *The American Home* giving consumers a measure of protection, but unfortunately consumers do not have the same standard that can be used to judge, Because each agency has its

⁵ T. Meyer, "Apples and Peache - Consumer Protection Goes East", *Journal of Consumer Policy*, Vol. 43 No. 1, 2020, h. 77-87.

⁶ Johnny Ibrahim, 2010, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang, Banyumedia, h. 93.

⁷ Peter Mahmud Marzuki, 2005, *Penelitian hukum, Edisi Revisi*, Jakarta, Kencana, h. 136.

⁸ *Ibid*, h. 177.

⁹ Lily Rasijidi, 1990, *Dasar Dasar Filsafat Hukum*, Bandung, Citra Aditya, h. 47.



own method of testing and approving its standards. This is similar to what happens in Indonesia, it's because of the difficulty of regulating the highest and lowest value standards in a trade.¹⁰. Consumers eventually become confused, because personal assumptions will enter many decisions and standards of a relative and non-absolute nature in the final analysis, so consumers are in confusion which is best suited to their interests, so the consumer does not have a scale of judgment to judge good and bad and does not know what to choose so as to get the best value for the money that has been spent¹¹. Consumers who are unfamiliar at all times with market conditions and have insufficient information will be able to be exploited by others, if consumers are unable to evaluate quality, which means that the potential can be explored through product counterfeiting or through misrepresentation of products, uses and results, then the development of a standard is one of the best ways to protect consumers at this point.¹².

Consumer protection have been part of *treaty* pada *European Economic Community* In 1957¹³. *Consumer protection* has also been implemented in the UK through the British Standards Institution, its activities are as follows¹⁴:

Standards for manufactured goods. These standards represent a requirement to ensure that the article will prove satisfactory. Acceptance on the manufacturer's part is voluntary except for a small group of cases, and the standard is highly technical and may only apply to certain parts of the complete product. Details both standard and test published.

Certification mark, called *kite mark*. The presence of this mark on a product is a guarantee that the product has been manufactured to meet the requirements *British Standard* under the monitoring, control, and testing system operated during manufacturing, and including periodic inspections at the manufacturer's workplace according to the scheme run by the agency.

¹⁰ R. F. Beckert, "Consumer Protection by Private and Semiprivate Agencies", *The Journal of Business Education*, 14.4 (1938), 21–22.

¹¹ Beckert, "Consumer Protection by Private and Semiprivate Agencies".

¹² R. F. Beckert, "Government Agencies for Consumer Protection", *The Journal of Business Education*, Vol. 15 No. 7, 1940), h. 25-27.

¹³ BØrge Dahl, "Consumer Protection within the European Union", *Journal of Consumer Policy*, Vol. 16 No. 3, 1993, h. 345-353.

¹⁴ Joyce Sanderson, "Current Trends in Consumer Protection", Januari 1961, h. 135-136.



The Consumer Advisory Council, who produces *shopper's guide*, running complaint services for institutional members, campaigning for improvements such as better labelling; and generally doing its best to educate and inform consumers.

Consumers study which brands are most advertised, this is useful information because the brands that most advertise are better purchases, then advertising, by increasing the amount of information, increasing demand elasticity for individual products, and reducing the price charged by the seller¹⁵. Consumers, of course, still suffer from a lack of information, but the source of the problem is that information requires resources, so it is reasonable for consumers to lack perfect information in situations like this.

Consumer protection in the UK has not been a major concern for a long time because the general legal rules made for trade are applied to consumers, where it is considered inadequate to address many complaints that consumers may experience, where goods may be sold but still do not meet consumer expectations.¹⁶ Consumers can easily compare goods, services and prices on the Internet and because consumers are influenced and reached more effectively through the Internet¹⁷; And the companies involved are less transparent, the question is to what extent they need protection, especially offered by law.¹⁸ find a significant relationship between the introduction *Unfair Commercial Practice Directive* (UCPD) and consumer confidence and cross-border purchases for countries with low levels of consumer protection prior to introduction UCPD, and this relationship increases over time and then is relatively constant.¹⁹ in their research they showed that the use of tools in the past, attitudes and subjective norms, but not the control of perceived behavior, correlated positively with the intention to use *consumer protection tools*, and the intention to use the tool prospectively predicts the actual use of the tool.

¹⁵ Phillip Nelson, "Taking Issue with Maynes on Consumer Protection", *Journal of Consumer Policy*, Vol. 4 No.3, 1980, h. 254-257.

¹⁶ Geraint Howells, "Consumer Protection and European Contract Law Harmonisation", *ERA Forum*, Vol. 7 No.1, 2006, h. 45-47.

¹⁷ Arnold Rosendaal and Simone Van Esch, "Commercial Websites: Consumer Protection and Power Shifts", *Journal of International Trade Law and Policy*, Vol. 6 No.1, 2007, h. 13.

¹⁸ Rösner, *et al*, 2020.

¹⁹ Procter, *et al*, 2019.



Without clear regulations and enforcement mechanisms, disclosure helps entrepreneurs access capital for their projects and increases engagement with potential project supporters, consistent with the idea that disclosures reduce *moral hazard*²⁰. *Exploratory Factor Analysis* (EFA) producing a number of factors, namely *consumer law and consumer rights, electricity service provision and pricing, disconnection procedures and related issues, electricity metering and billing, complaints handling, serta access to justice and consumer redress*, and every determinant found is reliable to measure its internal consistency²¹.

The systemic risk created by the proliferation of wealth management products and explains the logic underlying the policy response adopted by the Chinese regulatory authorities²², While these regulatory instruments²² are designed to address the systemic risks surrounding wealth management products, the financial regulatory framework needs to be further enhanced to promote financial security and market liberalization, thereby protecting consumer rights in the financial sector. Despite the contradictory claims, competition law offers an ambiguous and indirect approach to protecting people's privacy expectations online, and efforts to unify competition and consumer protection laws create unnecessary risks for the internet economy and can disrupt modern consensus on antimonopoly analysis, once again pulling it away from the rigorous scientific methods developed in recent decades and returning to the subjective influence of non-competitive factors.²³

Implementation of regulations governing consumer protection is not comprehensive, and leaves a gap that can harm consumer rights in the mobile ecosystem, especially if it involves non-financial institutions, and consumer protections by non-currency institutions are much weaker than protection by bank payment services.²⁴ Protection policies are meant to help consumers make good decisions and policies intended to equalize positions among companies may have

²⁰ Cascino, *et al*, 2019.

²¹ Usman, *et al*, 2016.

²² Wei, *et al*, 2015.

²³ Ohlhausen & Okuliar, 2015.

²⁴ Liu, 2015.



unwanted consequences, and also found that policy measures that lead to a more equal rate between companies lead to worse market outcomes²⁵.

Consumer protection measures improve the competitiveness of destinations, helping to minimize tourist dissatisfaction through more transparent and efficient market operations, while creating and ining customer loyalty, and consumer confidence, however, the impact of consumer protection on the competitive nature of the destination is limited by certain complexities that undermine consumer trust in the context of tourism.²⁶ *E-money* is an efficient and easy-to-use payment system and can be used as a common means of payment in the real and virtual world, and this finding provides a major reason for the regulatory framework in *e-money*, Especially when it comes to *consumer protection*²⁷. Consumer protection agencies should attract more media coverage to their activities, and mass media should pay attention to their role as opinion formers and be more careful in communicating information to the public.²⁸ The voice of Generation Y students is important as their educational level increases, and through their work and professional responsibilities they will be called to protect consumer rights and preserve the image of the organization.²⁹

2. *Consumer Protection in business activities*

Consumer protection is the whole of rules and laws that regulate the rights and obligations of consumers and producers arising in their endeavours to meet their needs and regulate efforts to ensure the realization of legal protection of consumer interests.³⁰ It can be in all transactions of sale, directly or online as they are currently in force. Even if there is a transaction that is not through face-to-face, the consumer remains entitled to obtain goods in accordance with the prior notice or goods that correspond to the promised.

²⁵ Gu & Wenzel, 2015.

²⁶ Greenwood & Dwyer, 2015.

²⁷ Dehghan & Haghighi, 2015.

²⁸ Corodeanu, 2015.

²⁹ Corodeanu, 2015.

³⁰ Admin DSLA, Pemberhentian Direksi Perusahaan : Bisakah Digugat?, https://www.dslalawfirm.com/id/author/lawencon_newdsla/, 26 Februari 2022.



Consumer protection is needed to create a sense of security for consumers in fulfilling their life needs. As a legal basis, the basis of consumer protection is set out in Article 2 of the UUPK.

Consumer protection is an attempt by the government to establish a consumer protection agency as part of the State's guarantee of security in the implementation of various legal actions. The Consumer Protection Agency should attract more media coverage to its activities, and the mass media should pay attention to its role as opinion formers and be more careful in communicating information to the public. As for the results of the study *consumer protection* is as follows:

The results of the literature study are presented in table 1 below:

Table 1. Results of the literary study of *Consumer Protection*

Variabel	Hasil Penelitian
<i>hygiene</i> ³¹	<i>Hygiene influence against consumer protection</i>
<i>big data</i> ³²	<i>Big data influence against consumer protection</i>
<i>safe supply</i> ³³	<i>safe supply influence against consumer protection</i>
<i>electronic commerce</i> ³⁴	<i>consumer protection influence against electronic commerce</i>
<i>treatment of consumer rights, education of consumer rights</i> ³⁵	<i>treatment of consumer rights dan education of consumer rights influence against consumer protection</i>
<i>bank efficiency</i> ³⁶	<i>consumer protection influence against bank efficiency</i>
<i>advertising self-regulation</i> ³⁷	<i>advertising self-regulation influence against consumer protection</i>
<i>digital technologies</i> ³⁸	<i>digital technologies influence against consumer protection</i>

³¹ Doğan & Tekiner, 2011.

³² Jin & Wagman, 2021.

³³ Csete & Elliott, 2021.

³⁴ Belwal, *et al.*, 2021.

³⁵ Ha, *et al.*, 2020.

³⁶ Gaganis, *et al.*, 2020.

³⁷ Dickinson-Delaporte, *et al.*, 2020.

³⁸ Thorun & Diels, 2020.



<i>specific legal regulation, risk assessment</i> ³⁹	<i>specific legal regulation dan risk assessment influence against consumer protection</i>
<i>quality of service</i> ⁴⁰	<i>quality of service influence against consumer protection</i>
<i>in-game purchases</i> ⁴¹	<i>in-game purchases influence against consumer protection</i>
<i>digital content</i> ⁴²	<i>digital content influence against consumer protection</i>
<i>mortgage regulations</i> ⁴³	<i>mortgage regulations influence against consumer protection</i>
<i>legal framework for mobile payments</i> ⁴⁴	<i>legal framework for mobile payments influence against consumer protection</i>
<i>data protection</i> ⁴⁵	<i>data protection influence against consumer protection</i>
<i>competition law</i> ⁴⁶	<i>competition law influence against consumer protection</i>
<i>legal obligations of licensed websites</i> ⁴⁷	<i>legal obligations of licensed websites influence against consumer protection</i>
<i>online advertising</i> ⁴⁸	<i>online advertising influence against consumer protection</i>

The results of the study showed that the components influenced *consumer protection* and only one component is affected by *consumer protection*. It's caused by the Rules *consumer protection* not comprehensive, and leaves a gap that can harm consumer rights in the mobile ecosystem, especially if it involves non-financial institutions, and consumer protection by non-currency institutions is much weaker than protection by bank payment services.

D. Conclusion

1. Problematize what's happening inside *consumer protection* the lack of regulation regarding the minimum and maximum standard setting in the value issued by each product and brand so that consumers feel disadvantaged in defining such products as well as the weakness of supervision can affect manufacturers and

³⁹ Thierse & Luch, 2020.

⁴⁰ Mwakatumbula, *et al.*, 2019

⁴¹ King, *et al.*, 2019

⁴² Donnelly & White, 2019

⁴³ Courchane & Ross, 2019

⁴⁴ Alqudah, 2018

⁴⁵ Svantesson, 2018

⁴⁶ Nathani & Akman, 2017

⁴⁷ Marionneau & Järvinen-Tassopoulos, 2017

⁴⁸ Kariyawasam & Wigley, 2017



entrepreneurs in setting the value so that potentially to the detriment of consumers.

2. component that affects *consumer protection* due to the application of regulations or rules *consumer protection* It is not comprehensive, and leaves a gap that may be detrimental to consumer rights in the mobile ecosystem, especially if it involves non-cash institutions, and consumer protection by non-currency institutions is much weaker than protection by bank payment services.



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