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**Sinta** : <https://sinta.kemdikbud.go.id/journals/profile/7574>

**ISSN** : 14122723, 27236668  
**Cite Score** : 0.6  
**SNIP** : 0.451  
**H Index** : 3  
**SJR** : 0.224

**Author (s)** : Wiwik Sri Widiarty, Md Hasnath Kabir Fahim  
**Article Title** : Institutional Roles and Mechanisms in Upholding Legal Protection Under Consumer Protection Law in the Era of Globalization

**Submission** : 5 November 2024  
**Submission Confirmation** : 6 November 2024  
**Peer Review Editorial** : 7 November 2024  
**Resubmitted Review Editorial** : 11 November 2024  
**Peer Review Process I** : 23 November 2024  
**Resubmitted Revised Manuscript I** : 28 November 2024  
**Peer Review Process 2** : 30 November 2024  
**Resubmitted Revised Manuscript 2** : 13 Desember 2024  
**Peer Review Process 3** : 17 Desember 2024  
**Resubmitted Revised Manuscript 3** : 18 Desember 2024  
**Accepted** : 20 Desember 2024  
**Galley** : 23 Desember 2024  
**Publish Paper** : 24 Desember 2024

**PDF** : <https://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/40717/10947>  
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Faculty of Law, Unissula

Jalan Kaligawe Raya KM.4, Terboyo Kulon, Genuk,  
Semarang, Central Java, Indonesia, 50112

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ISSN 1412-2723 ( Print )e-ISSN 2723-6668 ( Online )



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# Source details

## Jurnal Hukum Unissula

Years currently covered by Scopus: from 2019 to 2024  
 Publisher: Islamic University of Sultan Agung Faculty of Law  
 ISSN: 1412-2723 E-ISSN: 2723-6668  
 Subject area: Arts and Humanities: Religious Studies Social Sciences: Law Social Sciences: Sociology and Political Science  
 Source type: Journal

CiteScore 2023  
**0.6**



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**0.224**



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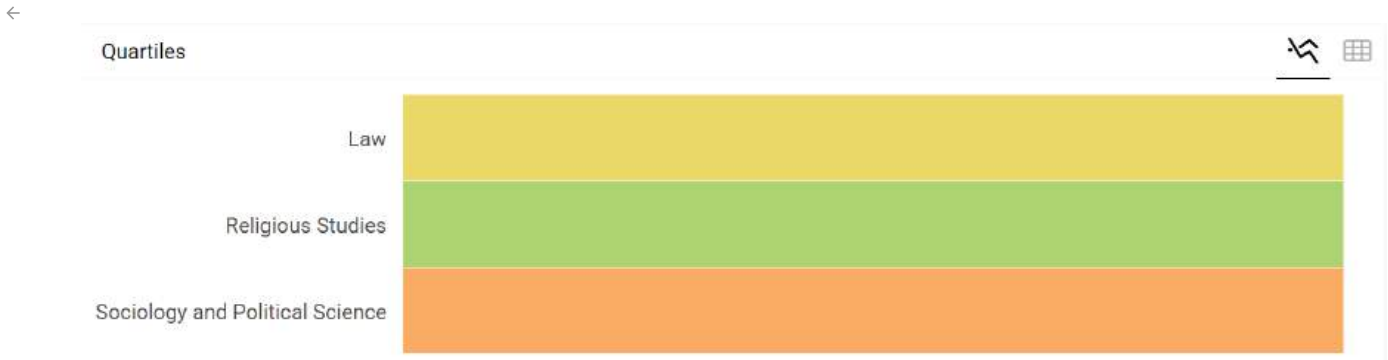
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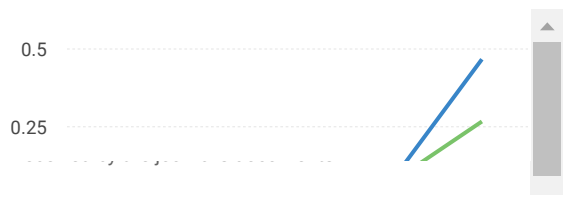
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SUBJECT AREA AND CATEGORY	PUBLISHER	H-INDEX
Arts and Humanities Religious Studies  Social Sciences Law Sociology and Political Science	Islamic University of Sultan Agung Faculty of Law	3

PUBLICATION TYPE	ISSN	COVERAGE
Journals	14122723, 27236668	2019-2023



Citations per document

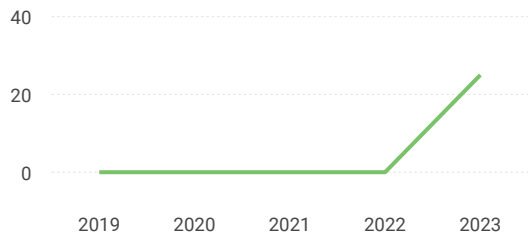


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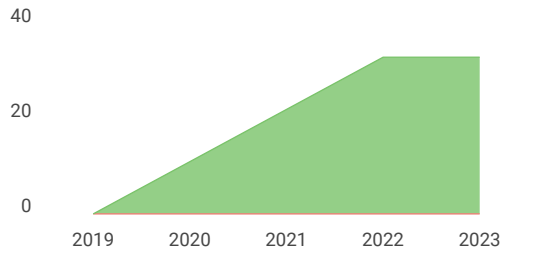
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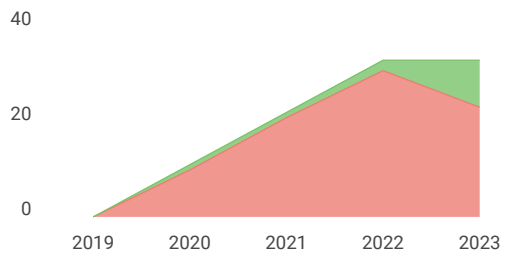


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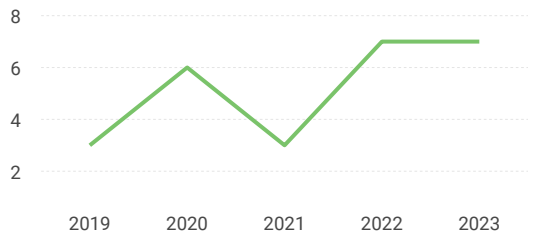
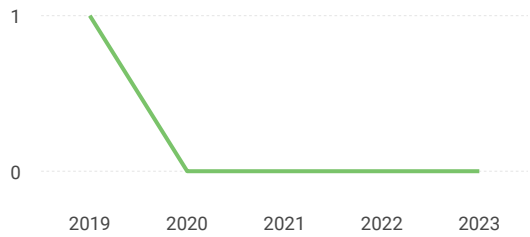


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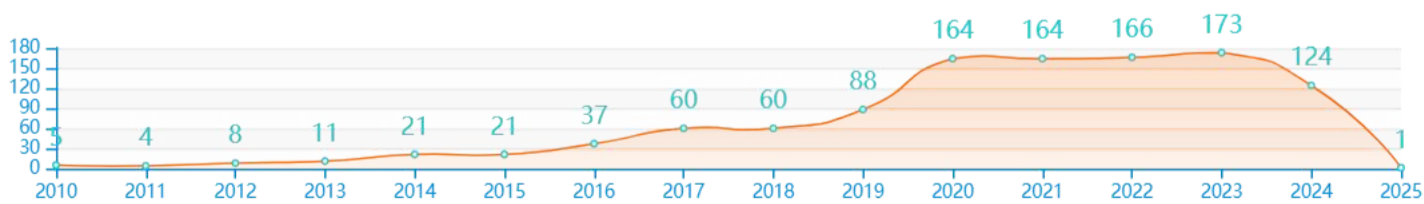
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**Authors** Wiwik Sri Widiarty, Md Hasnath Kabir Fahim   
**Title** Institutional Roles and Mechanisms in Upholding Legal Protection Under Consumer Protection Law in the Era of Globalization  
**Section** Articles  
**Editor** Karim Abdullah

### Peer Review

#### Round 1

**Review Version** 40717-92208-1-RV.DOCX 2024-11-05  
**Initiated** 2024-11-23  
**Last modified** 2024-12-17  
**Uploaded file** Reviewer D 40717-95094-1-RV.DOCX 2024-12-17  
 Reviewer A 40717-93000-1-RV.DOCX 2024-11-23  
 Reviewer B 40717-93653-1-RV.DOCX 2024-11-30  
 Reviewer C 40717-93654-1-RV.DOCX 2024-11-30

### Editor Decision

**Decision** Accept Submission 2024-12-19  
**Notify Editor** Editor/Author Email Record No Comments  
**Editor Version** None  
**Author Version** 40717-93335-1-ED.DOCX 2024-11-28 [DELETE](#)  
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## Submission Confirmation: #40717 [Jurnal Hukum]

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**Jurnal Hukum** <jhukum.unissula@gmail.com>  
Kepada: wswidiarty.uki@gmail.com

6 November 2024 pukul 17.38

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# **CONSUMER PROTECTION IN THE ERA OF GLOBALIZATION: LEGAL REVIEW AND IMPLICATIONS FOR BUSINESS ACTORS**

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## **Abstract**

This study aims to analyze the role of consumer protection law in maintaining the balance of relations between consumers and producers in the era of globalization. With the development of international trade, consumer protection law functions to protect consumer rights from detrimental business practices, such as fraud, defective products, or monopolies. This law also supports transparency, fairness, and security in cross-border transactions through harmonization of standards and international cooperation. The method used is normative legal research with a legislative, conceptual, and comparative approach, which examines national and international legal rules and basic concepts such as consumer rights and dispute resolution. This study discusses the role of non-governmental consumer protection institutions (LPKSM) in Indonesia which function to educate, supervise, and assist consumers in dealing with disputes with business actors. LPKSM has an important role in ensuring compliance with safety standards and business ethics, as well as providing legal assistance to consumers who are harmed. This study also reveals the challenges in implementing consumer protection law, especially in the context of Indonesian politics and economy, as well as the importance of consumer awareness and business actor responsibility. The results of this study are expected to provide deeper insight into the implementation of consumer protection laws and their contribution to creating a fairer and safer market for consumers in Indonesia and internationally.

Keywords: consumer protection law, globalization, consumer protection institutions, legal harmonization, consumer disputes.

## **Introduction**

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly (Firdaus & Leviza, 2023). In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization (Setiamandani, 2018). Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions (Jackson & Rothstein, 2019). This situation adds a new layer of complexity to consumer protection. Consumers are faced with

new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach. By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology (Yasa et al., 2021). They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges. The purpose of this study is to provide an in-depth understanding of how consumer protection laws act as a balancer in the relationship between consumers and producers in the era of globalization. This study highlights how laws protect consumers from detrimental business practices, such as fraud, selling defective goods, or detrimental monopolistic practices. In addition, we will explore how consumer protection laws also promote transparency, fairness, and security in state business transactions.

## **Research methods**

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the ITE Law, PK Law, Trade Law, PP PSTE, CUECIC, CISG, MLEC, MLES, and a conceptual approach that focuses on understanding legal concepts such as consumers, business actors, legal protection, legal harmonization, and dispute resolution. Third, a comparative approach that compares the systems and practices of consumer protection law in various countries. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials, including legal expert writings in the form of books, scientific journals, seminar papers, theses, and dissertations. Tertiary legal materials provide additional information related to primary and secondary materials, such as legal dictionaries, legal encyclopedias, legal directories, and other references. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## **Research result**

### ***Consumer Protection Law***

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect

consumers, as realized through Law No. 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsibly. They must provide a quick and effective response to consumer complaints, and strive to resolve disputes peacefully and fairly (Rahmawati & Abubakar, 2019). This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection (Wicaksono et al., 2021). Article 2 of the Consumer Protection Law (UUPK) emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests (Siddiq et al., 2022).

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions (Indrawati, 2014).

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully (Purwanti & Hariri, 2022). a balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere (Tambuwun, 2020; Siregar, 2024). The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications (Nugroho, 2014). At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection (RUUPK) continued to be postponed, due to the lack of support and support from the Government and the House of Representatives (DPR) (Hayati & Ginting, 2021). As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia (Yudi, 2026). Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises (*Badan usaha milik negara/BUMN*)

and Regional-Owned Enterprises (*Badan Usaha Mlik Daerah/BUMD*) have more or less worsened the embodiment of consumer rights in practice.

### ***Consumers and business behavior***

It is important for consumers to have a good understanding of their rights in order to act critically and independently (Zard & Sears, 2023). This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law (*Undang-Undang Perlindungan Konsumen/UUPK*) not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature (Hertanto, 2007). Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions (Wariati & Susanti, 2014).

Criminal law plays an important role even though it does not explicitly mention “consumers”. Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of the UUPK, the term business actor is defined as “Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of the UUPK, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law No. 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract

lawsuits is based on binding contracts between consumers and producers, both written and oral contracts (Heriyanti, 2019). The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001 (van Aken, 2002). This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

### ***Consumer protection in national law***

The principles of consumer protection existed in the UUPK before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW/KUH Perdata), there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The KUH Dagang also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others (Syahrin, 2020; Alsharu et al., 2024). Even in customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law (UUPK), various regulations had existed that aimed to protect consumer interests. Although UUPK is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of PERPU Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Legal Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law (UUPK), because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law (RUU) on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. For twenty years, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of

consumers in Indonesia (Rosadi & Tahira, 2018). Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia.

In Consumer Protection Law, the aspect of the agreement has an important role although it is not absolute (Munggaran et al., 2019). Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

### ***Consumer Protection Agencies and Institutions***

Regarding membership, UUPK Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency (Fista, 2023). These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions (Mak & Terryn, 2020). BPKN also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the Consumer Dispute Resolution Agency (BPSK) or through the courts. Consumer protection, both at the national and international levels as regulated in UUPK article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat /LPKSM*) in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law No. 8 of 1999 concerning Consumer Protection. LPKSM aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors (Suryadi et al., 2023). This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations



of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process (Arifin et al., 2021).

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards (Nurwanto & Hanifah, 2022). Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code (KUH Perdata) and the Criminal Code (KUHP). In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

## Conclusion

Consumer protection plays a vital role in the well-being of individuals and the economy as a whole. Law No. 8 of 1999 concerning Consumer Protection provides a clear legal basis for protecting consumer rights, increasing their awareness, and encouraging business actors to be responsible. Implementing the principles of fair, transparent, and efficient consumer protection enables safe transactions and increases market confidence. Effective consumer protection depends on consumers' understanding of their rights and the obligations of business actors to provide accurate and honest information. The Consumer Protection Law (UUPK) regulates the balance of rights between consumers and business actors, emphasizing the obligation of business actors to act transparently and responsibly. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is one real example of how the government acts to regulate and supervise consumer protection nationally. Educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics.

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Jurnal Hukum <jhukum.unissula@gmail.com>  
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7 November 2024 pukul 14.43

Dear Author,

Your manuscript entitled "**CONSUMER PROTECTION IN THE ERA OF GLOBALIZATION: LEGAL REVIEW AND IMPLICATIONS FOR BUSINESS ACTORS**", has been reviewed by our editorial team. We have decided to proceed with a peer review process.

However, the editorial team has identified some minor comments that need your attention. We kindly request that you submit your revised manuscript with the necessary corrections within **November 10, 2024**.

Thank you for your attention to submitting your research to the Jurnal Hukum.

Best Regards,

Editorial Team

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Wiwik Sri Widiarty <wswidiarty.uki@gmail.com>  
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11 November 2024 pukul 15.51

Dear Editorial,

I greatly appreciate the time and attention given to edit this article. All the inputs given were very helpful, and I have made some improvements based on the recommendations put forward. I have colored it to make it easier to check. I have changed some parts to improve the flow of thought, while I have adjusted some sentences to be more concise and easy to understand. In addition, I have also ensured that the references and citations are in accordance with the specified format, and added some recent sources to support the arguments presented.

I hope this revision is in accordance with expectations. If there are other parts that need to be adjusted, I am ready to make further changes as needed.

Thank you for the opportunity to improve this writing. I look forward to further feedback and hope to publish this article soon.

Best regards,

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Dear Author,

Thank you for the revisions that have been made.

We will review your manuscript first before entering the next stage of peer review.

Best Regards,

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E-mail: [jhukum.unissula@gmail.com](mailto:jhukum.unissula@gmail.com)  
ISSN 1412-2723 (Print) e-ISSN 2723-6668 (Online)

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## ASSESSMENT FORM

### #40717- Editorial Review

No	Structure	Comments	Decision
1.	Title	<ul style="list-style-type: none"><li>The title should be concise and descriptive, not exceeding 15 words. It should effectively convey the main focus of the manuscript.</li></ul>	Revise
2.	Abstract	<ul style="list-style-type: none"><li>The abstract must provide a brief summary of the research problem, objectives, methods, and key findings.</li><li>It should be written in English, with a maximum of 200 words.</li></ul>	Revise
3.	Keywords	<ul style="list-style-type: none"><li>A list of relevant keywords should follow the abstract, helping in indexing and searchability of the manuscript.</li><li>Minimal 5 keyword.</li></ul>	Revise
4.	Introduction	<ul style="list-style-type: none"><li>The introduction should clearly outline the legal issue or research problem being addressed in the manuscript.</li><li>It should provide sufficient background information, including a brief literature survey, to highlight existing solutions, gaps, and the novelty of the study.</li><li>The section should end with a clear statement of the study's objectives and its significance.</li></ul>	Revise
5.	Research Methods (for Original Research Articles)	<ul style="list-style-type: none"><li>This section should describe the research methodology in detail, including the type of research, research approach, data sources, and analysis methods.</li><li>The methodology should be detailed enough to allow replication of the study and to provide readers with a clear understanding of how the research was conducted.</li><li>For conceptual papers, this section may not be required.</li></ul>	Revise
6.	Results and Discussion	<ul style="list-style-type: none"><li>Results: Present the findings of the research clearly and concisely. Use tables, figures, and charts as necessary to enhance understanding.</li><li>Discussion: This should interpret the results, exploring their significance, implications, and how they fit within the existing body of research. Avoid merely repeating the results or extensively citing other published works.</li></ul>	Revise
7.	Conclusion	<ul style="list-style-type: none"><li>The conclusion should succinctly summarize the main findings of the study and their implications.</li><li>This section should provide clear takeaways for the reader and indicate the contribution of the study to the field.</li></ul>	Revise
8.	Suggestions	<ul style="list-style-type: none"><li>Authors should provide practical suggestions or recommendations based on the study's findings.</li></ul>	Revise



		<ul style="list-style-type: none"> <li>• These suggestions should be relevant to the research object and aim to stimulate further research in the area.</li> </ul>	
9.	References	<ul style="list-style-type: none"> <li>• References should be comprehensive and correctly formatted according to the journal's guidelines.</li> <li>• Each reference should be checked against the original source for accuracy, including the author's name, volume, issue, year, and DOI number.</li> <li>• Authors are encouraged to use reference management software like EndNote, Mendeley, or Zotero to ensure consistency and accuracy.</li> </ul>	Revise
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# CONSUMER PROTECTION IN THE ERA OF GLOBALIZATION: LEGAL REVIEW AND IMPLICATIONS FOR BUSINESS ACTORS

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## **Abstract**

This study aims to analyze the role of consumer protection law in maintaining the balance of relations between consumers and producers in the era of globalization. With the development of international trade, consumer protection law functions to protect consumer rights from detrimental business practices, such as fraud, defective products, or monopolies. This law also supports transparency, fairness, and security in cross-border transactions through harmonization of standards and international cooperation. The method used is normative legal research with a legislative, conceptual, and comparative approach, which examines national and international legal rules and basic concepts such as consumer rights and dispute resolution. This study discusses the role of non-governmental consumer protection institutions (LPKSM) in Indonesia which function to educate, supervise, and assist consumers in dealing with disputes with business actors. LPKSM has an important role in ensuring compliance with safety standards and business ethics, as well as providing legal assistance to consumers who are harmed. This study also reveals the challenges in implementing consumer protection law, especially in the context of Indonesian politics and economy, as well as the importance of consumer awareness and business actor responsibility. The results of this study are expected to provide deeper insight into the implementation of consumer protection laws and their contribution to creating a fairer and safer market for consumers in Indonesia and internationally.

Keywords: consumer protection law, globalization, consumer protection institutions, legal harmonization, consumer disputes.

## **Introduction**

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly (Firdaus & Leviza, 2023). In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization (Setiamandani, 2018). Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions (Jackson & Rothstein, 2019). This situation adds a new layer of complexity to consumer protection. Consumers are faced with

new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach. By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology (Yasa et al., 2021). They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges. The purpose of this study is to provide an in-depth understanding of how consumer protection laws act as a balancer in the relationship between consumers and producers in the era of globalization. This study highlights how laws protect consumers from detrimental business practices, such as fraud, selling defective goods, or detrimental monopolistic practices. In addition, we will explore how consumer protection laws also promote transparency, fairness, and security in state business transactions.

## **Research methods**

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the ITE Law, PK Law, Trade Law, PP PSTE, CUECIC, CISG, MLEC, MLES, and a conceptual approach that focuses on understanding legal concepts such as consumers, business actors, legal protection, legal harmonization, and dispute resolution. Third, a comparative approach that compares the systems and practices of consumer protection law in various countries. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials, including legal expert writings in the form of books, scientific journals, seminar papers, theses, and dissertations. Tertiary legal materials provide additional information related to primary and secondary materials, such as legal dictionaries, legal encyclopedias, legal directories, and other references. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## **Research result**

### ***Consumer Protection Law***

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect

consumers, as realized through Law No. 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and strive to resolve disputes peacefully and fairly (Rahmawati & Abubakar, 2019). This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection (Wicaksono et al., 2021). Article 2 of the Consumer Protection Law (UUPK) emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests (Siddiq et al., 2022).

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions (Indrawati, 2014).

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully (Purwanti & Hariri, 2022). a balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere (Tambuwun, 2020; Siregar, 2024). The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications (Nugroho, 2014). At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection (RUUPK) continued to be postponed, due to the lack of support and support from the Government and the House of Representatives (DPR) (Hayati & Ginting, 2021). As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia (Yudi, 2026). Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises (*Badan usaha milik negara/BUMN*)

and Regional-Owned Enterprises (*Badan Usaha Mlik Daerah/BUMD*) have more or less worsened the embodiment of consumer rights in practice.

### ***Consumers and business behavior***

It is important for consumers to have a good understanding of their rights in order to act critically and independently (Zard & Sears, 2023). This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law (*Undang-Undang Perlindungan Konsumen/UUPK*) not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature (Hertanto, 2007). Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions (Wariati & Susanti, 2014).

Criminal law plays an important role even though it does not explicitly mention “consumers”. Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of the UUPK, the term business actor is defined as “Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of the UUPK, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law No. 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract

lawsuits is based on binding contracts between consumers and producers, both written and oral contracts (Heriyanti, 2019). The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001 (van Aken, 2002). This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

### ***Consumer protection in national law***

The principles of consumer protection existed in the UUPK before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW/KUH Perdata), there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The KUH Dagang also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others (Syahrin, 2020; Alsharu et al., 2024). Even in customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law (UUPK), various regulations had existed that aimed to protect consumer interests. Although UUPK is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of PERPU Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Legal Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law (UUPK), because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law (RUU) on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

**This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically.** For twenty years, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of



consumers in Indonesia (Rosadi & Tahira, 2018). Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia.

In Consumer Protection Law, the aspect of the agreement has an important role although it is not absolute (Munggaran et al., 2019). Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

### ***Consumer Protection Agencies and Institutions***

Regarding membership, UUPK Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency (Fista, 2023). These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions (Mak & Terry, 2020). BPKN also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the Consumer Dispute Resolution Agency (BPSK) or through the courts. Consumer protection, both at the national and international levels as regulated in UUPK article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat /LPKSM*) in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law No. 8 of 1999 concerning Consumer Protection. LPKSM aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors (Suryadi et al., 2023). This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations

of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process (Arifin et al., 2021).

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards (Nurwanto & Hanifah, 2022). Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code (KUH Perdata) and the Criminal Code (KUHP). In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

## Conclusion

Consumer protection plays a vital role in the well-being of individuals and the economy as a whole. Law No. 8 of 1999 concerning Consumer Protection provides a clear legal basis for protecting consumer rights, increasing their awareness, and encouraging business actors to be responsible. Implementing the principles of fair, transparent, and efficient consumer protection enables safe transactions and increases market confidence. Effective consumer protection depends on consumers' understanding of their rights and the obligations of business actors to provide accurate and honest information. The Consumer Protection Law (UUPK) regulates the balance of rights between consumers and business actors, emphasizing the obligation of business actors to act transparently and responsibly. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is one real example of how the government acts to regulate and supervise consumer protection nationally. Educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics.

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**Revisions Required - #40717 [Jurnal Hukum]**

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23 November 2024 pukul 17.54

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After your manuscript was reviewed by reviewers, we have received additional feedback on your manuscript entitled, "**CONSUMER PROTECTION IN THE ERA OF GLOBALIZATION: LEGAL REVIEW AND IMPLICATIONS FOR BUSINESS ACTORS**".

The reviewers have indicated that minor revisions are needed to move forward with the publication process.

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## CONSUMER PROTECTION IN THE ERA OF GLOBALIZATION: LEGAL REVIEW AND IMPLICATIONS FOR BUSINESS ACTORS

### Abstract

This study aims to analyze the role of consumer protection law in maintaining the balance of relations between consumers and producers in the era of globalization. With the development of international trade, consumer protection law functions to protect consumer rights from detrimental business practices, such as fraud, defective products, or monopolies. This law also supports transparency, fairness, and security in cross-border transactions through harmonization of standards and international cooperation. The method used is normative legal research with a legislative, conceptual, and comparative approach, which examines national and international legal rules and basic concepts such as consumer rights and dispute resolution. This study discusses the role of non-governmental consumer protection institutions (LPKSM) in Indonesia which function to educate, supervise, and assist consumers in dealing with disputes with business actors. LPKSM has an important role in ensuring compliance with safety standards and business ethics, as well as providing legal assistance to consumers who are harmed. This study also reveals the challenges in implementing consumer protection law, especially in the context of Indonesian politics and economy, as well as the importance of consumer awareness and business actor responsibility. The results of this study are expected to provide deeper insight into the implementation of consumer protection laws and their contribution to creating a fairer and safer market for consumers in Indonesia and internationally.

**Keywords:** Consumer Protection Law, Globalization, Consumer Protection Institutions, Legal Harmonization, Consumer Disputes.

### Introduction

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly (Firdaus & Leviza, 2023). In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization (Setiamandani, 2018). Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions (Jackson & Rothstein, 2019). This situation adds a new layer of complexity to consumer protection. Consumers are faced with new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach. By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect

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consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology (Yasa et al., 2021). They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges. The purpose of this study is to provide an in-depth understanding of how consumer protection laws act as a balancer in the relationship between consumers and producers in the era of globalization. This study highlights how laws protect consumers from detrimental business practices, such as fraud, selling defective goods, or detrimental monopolistic practices. In addition, we will explore how consumer protection laws also promote transparency, fairness, and security in state business transactions.

### Research methods

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the ITE Law, PK Law, Trade Law, PP PSTE, CUECIC, CISG, MLEC, MLES, and a conceptual approach that focuses on understanding legal concepts such as consumers, business actors, legal protection, legal harmonization, and dispute resolution. Third, a comparative approach that compares the systems and practices of consumer protection law in various countries. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials, including legal expert writings in the form of books, scientific journals, seminar papers, theses, and dissertations. Tertiary legal materials provide additional information related to primary and secondary materials, such as legal dictionaries, legal encyclopedias, legal directories, and other references. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

### Research result

#### *Consumer Protection Law*

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect consumers, as realized through Law No. 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective

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response to consumer complaints, and strive to resolve disputes peacefully and fairly (Rahmawati & Abubakar, 2019). This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection (Wicaksono et al., 2021). Article 2 of the Consumer Protection Law (UUPK) emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests (Siddiq et al., 2022).

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions (Indrawati, 2014).

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully (Purwanti & Hariri, 2022). A balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere (Tambuwan, 2020; Siregar, 2024). The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications (Nugroho, 2014). At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection (RUUPK) continued to be postponed, due to the lack of support and support from the Government and the House of Representatives (DPR) (Hayati & Ginting, 2021). As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia (Yudi, 2026). Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises (*Badan usaha milik negara/BUMN*) and Regional-Owned Enterprises (*Badan Usaha Mlik Daerah/BUMD*) have more or less worsened the embodiment of consumer rights in practice.

### **Consumers and business behavior**

It is important for consumers to have a good understanding of their rights in order to act critically and independently (Zard & Sears, 2023). This allows consumers to spontaneously



realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law (*Undang-Undang Perlindungan Konsumen/UUPK*) not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature (Hertanto, 2007). Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions (Wariati & Susanti, 2014).

Criminal law plays an important role even though it does not explicitly mention "consumers". Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of the UUPK, the term business actor is defined as "Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of the UUPK, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law No. 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract lawsuits is based on binding contracts between consumers and producers, both written and oral contracts (Heriyanti, 2019). The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001

(van Aken, 2002). This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

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Before the formation of the Consumer Protection Law (UUPK), various regulations had existed that aimed to protect consumer interests. Although UUPK is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of PERPU Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Legal Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

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This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. For twenty years, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of consumers in Indonesia (Rosadi & Tahira, 2018). Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development,

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In Consumer Protection Law, the aspect of the agreement has an important role although it is not absolute (Munggaran et al., 2019). Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

### **Consumer Protection Agencies and Institutions**

Regarding membership, UUPK Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency (Fista, 2023). These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions (Mak & Terryn, 2020). BPKN also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the Consumer Dispute Resolution Agency (BPSK) or through the courts. Consumer protection, both at the national and international levels as regulated in UUPK article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat /LPKSM*) in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law No. 8 of 1999 concerning Consumer Protection. LPKSM aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors (Suryadi et al., 2023). This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process (Arifin et al., 2021).

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards (Nurwanto & Hanifah, 2022). Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil

Code (KUH Perdata) and the Criminal Code (KUHP). In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

## Conclusion

Consumer protection plays a vital role in the well-being of individuals and the economy as a whole. Law No. 8 of 1999 concerning Consumer Protection provides a clear legal basis for protecting consumer rights, increasing their awareness, and encouraging business actors to be responsible. Implementing the principles of fair, transparent, and efficient consumer protection enables safe transactions and increases market confidence. Effective consumer protection depends on consumers' understanding of their rights and the obligations of business actors to provide accurate and honest information. The Consumer Protection Law (UUPK) regulates the balance of rights between consumers and business actors, emphasizing the obligation of business actors to act transparently and responsibly. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is one real example of how the government acts to regulate and supervise consumer protection nationally. Educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics.

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**Commented [M7]:** The results and discussion of the research can be divided into 2 or 3 sub-headings so that it is not too long.

Change the name of the sub-heading title so that it is clear what aspects are to be discussed.

Make sure that the sub-heading in the results answers the research question.

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Arrange references using Chicago Style, not APA Style. You can refer to our guide or previously published papers

# CONSUMER PROTECTION IN THE ERA OF GLOBALIZATION: LEGAL REVIEW AND IMPLICATIONS FOR BUSINESS ACTORS

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## **Abstract**

This study aims to analyze the role of consumer protection law in maintaining the balance of relations between consumers and producers in the era of globalization. With the development of international trade, consumer protection law functions to protect consumer rights from detrimental business practices, such as fraud, defective products, or monopolies. This law also supports transparency, fairness, and security in cross-border transactions through harmonization of standards and international cooperation. The method used is normative legal research with a legislative, conceptual, and comparative approach, which examines national and international legal rules and basic concepts such as consumer rights and dispute resolution. This study discusses the role of non-governmental consumer protection institutions (LPKSM) in Indonesia which function to educate, supervise, and assist consumers in dealing with disputes with business actors. LPKSM has an important role in ensuring compliance with safety standards and business ethics, as well as providing legal assistance to consumers who are harmed. This study also reveals the challenges in implementing consumer protection law, especially in the context of Indonesian politics and economy, as well as the importance of consumer awareness and business actor responsibility. The results of this study are expected to provide deeper insight into the implementation of consumer protection laws and their contribution to creating a fairer and safer market for consumers in Indonesia and internationally.

Keywords: consumer protection law, globalization, consumer protection institutions, legal harmonization, consumer disputes.

## **Introduction**

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly (Firdaus & Leviza, 2023). In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization (Setiamandani, 2018). Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions (Jackson & Rothstein, 2019). This situation adds a new layer of complexity to consumer protection. Consumers are faced with



new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach. By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology (Yasa et al., 2021). They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges. The purpose of this study is to provide an in-depth understanding of how consumer protection laws act as a balancer in the relationship between consumers and producers in the era of globalization. This study highlights how laws protect consumers from detrimental business practices, such as fraud, selling defective goods, or detrimental monopolistic practices. In addition, we will explore how consumer protection laws also promote transparency, fairness, and security in state business transactions.

## **Research methods**

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the ITE Law, PK Law, Trade Law, PP PSTE, CUECIC, CISG, MLEC, MLES, and a conceptual approach that focuses on understanding legal concepts such as consumers, business actors, legal protection, legal harmonization, and dispute resolution. Third, a comparative approach that compares the systems and practices of consumer protection law in various countries. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials, including legal expert writings in the form of books, scientific journals, seminar papers, theses, and dissertations. Tertiary legal materials provide additional information related to primary and secondary materials, such as legal dictionaries, legal encyclopedias, legal directories, and other references. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## **Research result**

### ***Consumer Protection Law***

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect



consumers, as realized through Law No. 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and strive to resolve disputes peacefully and fairly (Rahmawati & Abubakar, 2019). This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection (Wicaksono et al., 2021). Article 2 of the Consumer Protection Law (UUPK) emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests (Siddiq et al., 2022).

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions (Indrawati, 2014).

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully (Purwanti & Hariri, 2022). a balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere (Tambuwun, 2020; Siregar, 2024). The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications (Nugroho, 2014). At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection (RUUPK) continued to be postponed, due to the lack of support and support from the Government and the House of Representatives (DPR) (Hayati & Ginting, 2021). As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia (Yudi, 2026). Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises (*Badan usaha milik negara/BUMN*)

and Regional-Owned Enterprises (*Badan Usaha Mlik Daerah/BUMD*) have more or less worsened the embodiment of consumer rights in practice.

### ***Consumers and business behavior***

It is important for consumers to have a good understanding of their rights in order to act critically and independently (Zard & Sears, 2023). This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law (*Undang-Undang Perlindungan Konsumen/UUPK*) not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature (Hertanto, 2007). Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions (Wariati & Susanti, 2014).

Criminal law plays an important role even though it does not explicitly mention “consumers”. Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of the UUPK, the term business actor is defined as “Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of the UUPK, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law No. 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract

lawsuits is based on binding contracts between consumers and producers, both written and oral contracts (Heriyanti, 2019). The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001 (van Aken, 2002). This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

### ***Consumer protection in national law***

The principles of consumer protection existed in the UUPK before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW/KUH Perdata), there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The KUH Dagang also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others (Syahrin, 2020; Alsharu et al., 2024). Even in customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law (UUPK), various regulations had existed that aimed to protect consumer interests. Although UUPK is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of PERPU Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Legal Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

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### ***Consumer Protection Agencies and Institutions***

Regarding membership, UUPK Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency (Fista, 2023). These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions (Mak & Terry, 2020). BPKN also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the Consumer Dispute Resolution Agency (BPSK) or through the courts. Consumer protection, both at the national and international levels as regulated in UUPK article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat /LPKSM*) in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law No. 8 of 1999 concerning Consumer Protection. LPKSM aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors (Suryadi et al., 2023). This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations

of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process (Arifin et al., 2021).

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards (Nurwanto & Hanifah, 2022). Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code (KUH Perdata) and the Criminal Code (KUHP). In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

## Conclusion

Consumer protection plays a vital role in the well-being of individuals and the economy as a whole. Law No. 8 of 1999 concerning Consumer Protection provides a clear legal basis for protecting consumer rights, increasing their awareness, and encouraging business actors to be responsible. Implementing the principles of fair, transparent, and efficient consumer protection enables safe transactions and increases market confidence. Effective consumer protection depends on consumers' understanding of their rights and the obligations of business actors to provide accurate and honest information. The Consumer Protection Law (UUPK) regulates the balance of rights between consumers and business actors, emphasizing the obligation of business actors to act transparently and responsibly. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is one real example of how the government acts to regulate and supervise consumer protection nationally. Educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics.

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## Major Revisions Required - #40717 [Jurnal Hukum]

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30 November 2024 pukul 11.33

Dear Author,

Following the second round of review, we have received additional feedback on your manuscript, "**Consumer Protection in the Era of Globalization: Legal Review and Implications For Business Actors**". The reviewers have indicated that major revisions are needed to move forward with the publication process.

Revision Instructions:

1. Address Major Revisions: Please review the specific comments and suggestions provided by the reviewers and make the necessary adjustments to your manuscript.
2. Highlight Changes: Clearly highlight all changes made in the manuscript to facilitate the review process.
3. Provide a Rebuttal Letter: Include a detailed rebuttal letter addressing how you have responded to each comment from the second round of review.

Please log in to your author account on our journal's website to view the detailed reviewer comments and submit your revised manuscript.

We request that you complete these revisions and resubmit your manuscript by one week.

Thank you for your prompt attention to this matter. We look forward to receiving your revised manuscript.


Best Regards,


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## Reviewer 1

### # Consumer Protection in the Era of Globalization: Legal Review and Implications For Business Actors

No.	Items	Comments to Author
1.	<b>Title</b>	-
2.	<b>Abstract and Keywords</b>	Good
		Some keywords need to be rephrased as they are rarely used, such as Consumer Protection Institutions.
3.	<b>Introduction</b>	The introduction does not clearly define the research gap, which weakens the contribution of the study to existing literature, particularly in the context of globalization and consumer protection.
		The statement "consumer protection laws must be able to answer these challenges with an innovative and adaptive approach" lacks concrete examples or references to support such a broad claim.
		The term "consumer protection laws" is used throughout, but there could be more precision in distinguishing between domestic and international regulations to enhance clarity.
		The purpose of the study is mentioned in the last paragraph, but it would benefit from a clearer connection to the challenges discussed earlier, particularly with regard to the role of international cooperation
4.	<b>Method</b>	The term "PK Law" is used without explanation, and it would be helpful to provide its full name or clarify it for readers unfamiliar with the abbreviation
		The description of the "statute approach" and "conceptual approach" could be streamlined to avoid repetition, as both involve analyzing legal rules and concepts
		While the study mentions secondary data collection, it could further specify how the data will be analyzed across different categories of legal materials to enhance the methodological transparency.
5.	<b>Results</b>	The use of acronyms like "UUPK" and "BUMN" should be explained at first mention for clarity, as not all readers may be familiar with them. For example, "UUPK (Law No. 8 of 1999 concerning Consumer Protection)" should be specified initially
		The legal references are scattered throughout the text, and it would be helpful to ensure consistency in how laws are presented. For instance, refer to "Law No. 8 of 1999" uniformly, avoiding abbreviations like "UUPK" without clarification.
		Some sentences are overly long and could be divided for better readability. For instance, the sentence "Consumer protection is based on a number of principles and objectives that guide its

		implementation in everyday life" could be clarified by breaking it into two.
		The discussion on consumer protection law repeats similar ideas, such as the need for consumer education and the obligation of business actors to respond to complaints. This could be condensed to avoid redundancy.
		While historical background and laws are mentioned, more specific examples or case studies illustrating the impact of these laws on consumers could strengthen the argument. For instance, real-world cases where the law has been applied successfully or failed could be highlighted.
		The connection between consumer protection and economic growth is briefly mentioned but not fully developed. Expanding on how consumer protection directly influences broader economic stability and growth would add depth.
		The text relies heavily on passive constructions, which can make the reading less engaging. For example, "Consumer protection is based on a number of principles" could be rewritten to emphasize who implements or enforces these principles.
6.	<b>Conclusion</b>	Good
7.	<b>Reference</b>	-

## Reviewer 2

### # Consumer Protection in the Era of Globalization: Legal Review and Implications For Business Actors

No.	Items	Comments to Author
1.	<b>Title</b>	Create a more engaging title, not just a review of regulations.
2.	<b>Abstract and Keywords</b>	The abstract provides a detailed overview of the study but could benefit from a more focused structure. Consider clearly separating the aims, methodology, results, and conclusions into distinct sections.
		The sentence "This study discusses the role of non-governmental consumer protection institutions (LPKSM) in Indonesia..." could be moved to the results section to better highlight the key findings.
3.	<b>Introduction</b>	The introduction provides a broad overview of various issues related to consumer protection in the context of globalization, but it lacks a clear and specific thesis statement. There is a lot of general discussion, such as the mention of "online fraud," "privacy violations," and "institutional strengthening," but the central research question or argument is not clearly defined. For example, the sentence "The purpose of this study is to provide an in-depth understanding of how consumer protection laws act as a balancer..." is a step in the right direction, but it could be more specific about the scope of the study or the key focus.
		The introduction briefly mentions some sources (e.g., Firdaus & Leviza, 2023; Setiamandani, 2018), but it fails to engage deeply with the existing body of research. This is an important issue as the introduction should not only present the topic but also demonstrate awareness of current discussions in the field.
		The statement "consumer protection laws need to continue to develop and adapt..." would benefit from a more explicit mention of the gap in the literature or the limitation of existing approaches that this paper aims to address
		Additionally, the research gap has not yet been included in this study.
		The introduction presents several broad and generalized statements about consumer protection in globalization without offering concrete examples or further explanation. For instance, phrases like "consumer protection laws need to continue to develop and adapt" and "laws protect consumers from detrimental business practices" are too vague. The introduction would benefit from specific examples of the legal frameworks or cases that illustrate how consumer protection

		laws are evolving or being applied in practice. For example, how are these laws being adapted in response to specific challenges such as e-commerce or digital platforms?
		There are minor grammatical issues and a few awkwardly phrased sentences in the introduction that can impact clarity. For instance, the sentence "This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly." Similarly, "Institutions responsible for supervision and law enforcement must have adequate capacity..." could be more direct and streamlined
		While the introduction states that the purpose of the study is to explore the role of consumer protection laws, it does not adequately explain the scope of the study or the methodology to be used. There is no mention of how the analysis will be conducted—whether it will focus on a particular country, a comparison of different legal systems, or the impact of specific consumer protection laws. Additionally, the methodology is not outlined in a way that the reader can easily understand how the study will approach its objectives.
4.	<b>Method</b>	The introduction of various abbreviations such as "ITE Law," "PK Law," "Trade Law," "PP PSTE," "CUECIC," "CISG," "MLEC," and "MLES" without any elaboration creates confusion for the reader. These abbreviations are critical to the research but are introduced without any explanation of what they stand for or their significance. For example, terms like "ITE Law" and "PK Law" may not be universally known, especially to readers unfamiliar with the specific legal frameworks in Indonesia or the international conventions mentioned.
		While the study mentions international conventions such as "CUECIC," "CISG," "MLEC," and "MLES," there is no explanation of how these conventions are relevant to the context of consumer protection or their applicability within the study's framework. It would strengthen the methodology section to provide a brief description of each international convention and how they are specifically related to the research topic. For example, the "CISG" (United Nations Convention on Contracts for the International Sale of Goods) is crucial in international trade law and consumer protection, but without context, it is unclear how it impacts the study. Briefly elaborating on their relevance, scope, and how they fit into the comparative approach would provide readers with a clearer understanding of the legal landscape being analyzed.
		While the study mentions several approaches—legislation (statute approach), conceptual approach, and comparative approach—it would benefit from more detailed clarification of how these approaches will be applied to analyze consumer protection law. For example, how exactly will the "statute approach" be implemented to examine national and

		international legal rules such as the ITE Law, PK Law, and Trade Law? Will the research focus on specific case studies or the application of these laws in practice? Additionally, the "comparative approach" is mentioned, but it is unclear which countries or legal systems will be compared and why. Will the focus be on comparing consumer protection laws in developed versus developing countries, or between countries with similar legal traditions?
5.	<b>Results</b>	A major concern with this section is the heavy reliance on secondary sources and existing laws without providing new, original analysis or insight. Many sections simply repeat what is already available in previous legal writings or reports, often without adding a deeper evaluation or novel interpretation. For example, phrases like "This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves..." are widely known and don't demonstrate any critical engagement with the subject.
		The paper does not sufficiently appreciate or acknowledge the progress made in existing consumer protection frameworks. For instance, although the historical development of Indonesia's consumer protection law is briefly discussed, there is no mention of how these laws have impacted the lives of consumers or their effectiveness over time. The statement "...the process of ratifying the bill by the government on April 20, 1999 marked an important step..." is factual but does not delve into the real-world outcomes of this legal development.
		The research results focus heavily on reiterating existing laws, yet it fails to identify significant gaps or challenges in the legal framework. While the paper mentions the implementation of the Consumer Protection Law (UUPK), it does not explore any shortcomings or practical difficulties in enforcement. For instance, the mention of the National Consumer Protection Agency (BPKN) does not explore the actual challenges faced by the agency in enforcing the law or in its interactions with business actors and consumers.
		There is a noticeable repetitiveness in the phrasing of key points throughout the paper. For example, phrases such as "business actors have an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively" and "consumers need to understand their rights and dare to fight for them" are repeated in a manner that adds little new information each time. This redundancy can lead to a loss of reader engagement.
		The research seems heavily reliant on theoretical analysis without offering empirical evidence or case studies that could support or challenge the points made. For example, while the paper discusses the Consumer Protection Law and the role of institutions like BPKN and LPKSM, it would benefit from including real-life case studies or examples of how these

		agencies have effectively protected consumer rights or failed to do so.
6.	<b>Conclusion</b>	The conclusion summarizes the key aspects of consumer protection effectively, but it lacks a clear, concise statement about the challenges or limitations in the current consumer protection framework.
7.	<b>Reference</b>	The references are still quite limited, with most of them coming from local Indonesian sources. Please add at least 40 references, 80% of which should be from reputable international journals.
		In some areas, there is still a lack of justification for arguments from previous research.

# INSTITUTIONAL ROLES AND MECHANISMS IN UPHOLDING LEGAL PROTECTION UNDER CONSUMER PROTECTION LAW IN THE ERA OF GLOBALIZATION

## Abstract

This study aims to analyze the role of institutions, a largely neglected aspect in previous research on consumer protection law in Indonesia, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. With the rapid development of digitalization, consumer protection law is critical in safeguarding consumer rights against harmful business practices, such as fraud, defective products, and monopolistic behaviors. While the law promotes transparency, fairness, and security in online transactions by harmonizing standards across various institutions, its effective enforcement depends on the roles of both private and governmental entities. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law No. 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

**Keywords:** consumer protection law, globalization, consumer protection institutions, legal harmonization, consumer disputes.

## Introduction

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly.<sup>1</sup> In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization.<sup>2</sup> Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have

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<sup>1</sup> Firdaus, A., & Leviza, J. (2023). Pancasila Ideology in Challenges of Globalization on Mineral and Coal Law in Indonesia. *Journal of Law and Sustainable Development*, 11(11), e1148-e1148.

<sup>2</sup> Setiamandani, E. D. (2018). Kemandirian Konsumen di Era Globalisasi dan Perdagangan Bebas (Kajian Mengenai Undang-undang Perlindungan Konsumen No. 8 Tahun 1999 terhadap Perlindungan Hak-hak Konsumen). *Widya Yuridika*, 1(1), 234796.

become the main channels through which consumers can make transactions.<sup>3</sup> This situation adds a new layer of complexity to consumer protection. Consumers are faced with new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach. By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Previous studies have examined various aspects of consumer protection law, such as data protection, consumer dispute resolution, and product liability.<sup>4</sup> However, to the best of our knowledge, there is a research gap concerning the institutional roles in consumer protection law in Indonesia. While some research discusses legal reforms and mechanisms for consumer protection,<sup>5</sup> few have focused on the role of institutions in enforcing these laws. Institutional structures and their impact on enforcement remain underexplored. The significance of consumer dispute resolution agencies and their roles in safeguarding consumer rights is largely overlooked.<sup>6</sup> Furthermore, although scholars highlight various consumer protection issues,<sup>7</sup> they do not delve deeply into the institutional frameworks that support or hinder effective legal

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- <sup>3</sup> Jackson, H. E., & Rothstein, P. (2019). The Analysis of Benefits in Consumer Protection Regulations. *Harv. Bus. L. Rev.*, 9, 197.
- <sup>4</sup> Prastyanti, R.A., Yafi, E., Wardiono, K., and Budiono, A. "The Legal Aspect of Consumers' Protection from Pop-Up Advertisements in Indonesia." *Lentera Hukum* 8, no. 1 (2021): 73–94; Lira, M.A., Buana, A.P., and Mamonto, M.A.W.W. "Consumer Legal Protection Related to Goods Storage Agreements in Shopping Centers in Realizing Justice." *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 1 (2024): 237–250; Arifin, R., Kambuno, J. A., Waspiyah, W., & Latifiani, D. (2021). Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia. *Jambura Law Review*, 3, 135-160.
- <sup>5</sup> Rehman, N., Masykur, M.H., and Wicaksono, S. "Legal Reform: The Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision)." *Journal of Law and Legal Reform* 5, no. 2 (2024): 655–680; Suryamah, A., Yuanitasari, D., Angela, I.M., and Assalihee, M. "Regulation and Application of the Doctrine of Res Ipsa Loquitur in the Settlement of Consumer Disputes in Indonesia." *Journal of Law and Legal Reform* 5, no. 1 (2024): 237–266.
- <sup>6</sup> Harjono, D.K., Panjaitan, H., Soerjadjanegara, M., Kamal, A.H.M., and Suwarno, S. "Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency." *Jurnal Hukum Unissula* 40, no. 1 (2024): 259–271; Hati, S.R.H., and Latip, H.A. "Behind the Curtain of Payday Lending: Revealing Consumer Insights and Ethical Challenges in Indonesia and the USA Using Web-Scraping Methods." *International Journal of Ethics and Systems* 40, no. 2 (2024): 436–452; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435
- <sup>7</sup> Holijah, and Rizal, M. "Islamic Compensation Concept: The Consumer Dispute Settlement Pattern in Indonesia." *Samarah* 6, no. 1 (2022): 98–114; Holijah. "Evidence from the Largest Muslim Country in the World: Legal Culture of Consumers' Dispute Settlement in the Justice System." *Islamic Quarterly* 68, no. 1 (2024): 23–40; Salvia, H., Priowirjanto, E.S., and Suwandono, A. "Operator Responsibilities in Safeguarding Consumer Rights Against GPS Spoofing in Ride-Hailing Services." *Padjadjaran Jurnal Ilmu Hukum* 11, no. 2 (2024): 208–230.



enforcement in Indonesia. This gap suggests the need for a comprehensive investigation into how institutional structures, agencies and their roles contribute to or impede the enforcement of consumer protection laws in the country.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology.<sup>8</sup> They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges.

The purpose of this study is to examine the often-overlooked role of institutions in the enforcement of consumer protection law in Indonesia, particularly within the context of globalization and the rapid growth of online marketing. By focusing on the institutional framework, this research aims to assess how various public and private entities contribute to maintaining a balance between consumers and producers in the digital era. While existing studies have primarily concentrated on the legal aspects of consumer protection, this study highlights the practical functions of institutions in educating consumers, supervising business practices, and resolving disputes. The novelty of this study lies in its exploration of the institutional mechanisms that underpin the effectiveness of consumer protection laws, specifically within the framework of Law No. 8 of 1999, and its focus on how these institutions address emerging challenges such as digital consumer rights, monopolistic practices, and the enforcement of fair business practices in an increasingly globalized marketplace.

## Research methods

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the Law No. 11 of 2008 on Electronic Information and Transactions, and Law Number 8 of 1999 concerning Consumer Protection. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials, including legal expert writings in the form of books, scientific journals, seminar papers, theses, and dissertations. Tertiary legal materials provide additional information related to primary and secondary materials, such as legal dictionaries, legal encyclopedias, legal directories, and other references. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing

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<sup>8</sup> Yasa, I. G. M. O. S., Sudiatmaka, I. K., & Ardhya, S. N. (2021). Peran Yayasan Lembaga Perlindungan Konsumen Terkait Kerugian Konsumen Ditinjau Berdasarkan Pasal 8 Huruf F Undang–Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus Kerugian Konsumen Terhadap Pembelian Rumah Subsidi di Wilayah Kabupaten Tabanan). *Jurnal Komunitas Yustisia*, 4(2), 322-333.

facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## **Research result**

### ***Legal Frameworks of Consumer Protection in Indonesia***

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect consumers, as realized through Law No. 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and strive to resolve disputes peacefully and fairly.<sup>9</sup> This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection.<sup>10</sup> Article 2 of the Consumer Protection Law emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests.<sup>11</sup>

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions.<sup>12</sup>

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<sup>9</sup> Rahmawati, E., & Abubakar, L. (2019). Peranan Penyelesaian Sengketa Pasar Modal: Suatu Tinjauan Atas Perkara Perdata Terkait Transaksi Repo. *Jurnal Bina Mulia Hukum*, 4(1), 130-149.

<sup>10</sup> Wicaksono, R., Nugroho, A. A., & Agustanti, R. D. (2021). Perlindungan Hukum Terhadap Konsumen Indihome Ditinjau Dari Undang-Undang Perlindungan Konsumen. *Jurnal Ilmiah Penegakan Hukum*, 8(2), 149-159.

<sup>11</sup> Siddiq, N. K., Wahyuddin, W., & Rahmatulloh, J. (2022). Efficiency Of Consumer Dispute Settlement Agency In Consumer Dispute Settlement In Indonesia. *Trunojoyo Law Review*, 4(2), 83-98.

<sup>12</sup> Indrawati, N. (2014). Penerapan Asas keadilan Dalam Polis Asuransi kendaraan Bermotor dan Perlindungan Konsumen PT. Asuransi Wahana Tata. *Jurnal Ilmu Hukum*, 1-19.

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully.<sup>13</sup> A balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere.<sup>14</sup> The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications.<sup>15</sup> At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection continued to be postponed, due to the lack of support and support from the Government and the House of Representatives.<sup>16</sup> As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia.<sup>17</sup> Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises and Regional-Owned Enterprises have more or less worsened the embodiment of consumer rights in practice.

Indonesia's legal framework for consumer protection, embodied in Law No. 8 of 1999, serves as a critical foundation for safeguarding consumer rights and promoting economic stability. This law has laid out essential principles aimed at enhancing consumer awareness, improving business accountability, and ensuring efficient dispute resolution mechanisms. By promoting a balanced relationship between consumers, businesses, and the government, the law has the potential to foster an environment of mutual respect and fair treatment in consumer transactions. As highlighted by previous research, a well-structured consumer protection law not only protects individual welfare but also contributes to economic growth by fostering

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<sup>13</sup> Purwanti, M. N., & Hariri, A. (2022). Perlindungan Hukum bagi Konsumen atas Kelangkaan Minyak Goreng Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum*, 2(1), 1-10.

<sup>14</sup> Tambuwun, T. T. (2020). Peranan Badan Pengawas Obat Dan Makanan (Bpom) Dalam Perlindungan Konsumen Yang Mengandung Zat Berbahaya. *Lex Privatum*, 8(4); Siregar, S. P. (2024). Kepastian Hukum Perlindungan Konsumen Sesuai Dengan Ketentuan Undang-Undang Perlindungan Konsumen. *Journal of Law, Administration, and Social Science*, 4(2), 228-233.

<sup>15</sup> Nugroho, A. (2014). Peranan Yayasan Lembaga Konsumen Indonesia Dalam Membantu Masyarakat yang Dirugikan Akibat Iklan yang Menyesatkan. *Lex Jurnalica*, 11(2), 18086.

<sup>16</sup> Hayati, A. N., & Ginting, A. R. (2021). Analisis Mekanisme Ganti Rugi Pengembalian Dana Dalam Transaksi E-Commerce Ditinjau Dari Hukum Perlindungan Konsumen. *Jurnal Ilmiah Kebijakan Hukum*, 15(3), 509-526.

<sup>17</sup> Yudi, M. R. M. (2016). Peranan Lembaga Penjamin Simpanan Dalam Melindungi Nasabah Bank Menurut UU No. 7 Tahun 2009. *Lex Privatum*, 4(3).

trust and encouraging responsible business practices.<sup>18</sup> However, the effectiveness of these legal frameworks is contingent upon the institutional structures in place to enforce them. Despite the established legal principles, significant gaps remain in understanding the role of institutions in ensuring the practical implementation of consumer protection laws in Indonesia, such as the enforcement mechanisms, dispute resolutions particularly the role of agencies,<sup>19</sup> and institutional frameworks in consumer protection laws, while it making difficult to address emerging challenges such as digital consumer rights and monopolistic practices.<sup>20</sup>

### **Consumer Protection Law in Safeguarding Consumer Rights and Promoting Fair Business Practices**

The principles of consumer protection existed in the Consumer Protection Law before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW/KUH Perdata), there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The Commercial Code also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others.<sup>21</sup> Even in

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<sup>18</sup> Prastyanti, R.A., and Sharma, R. "Establishing Consumer Trust Through Data Protection Law as a Competitive Advantage in Indonesia and India." *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 354–390; Fibrianti, N., Santoso, B., Setyowati, R., and Rindyawati, Y. "Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1267–1310.

<sup>19</sup> Harjono, D.K., Panjaitan, H., Soerjadjanegara, M., Kamal, A.H.M., and Suwarno, S. "Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency." *Jurnal Hukum Unissula* 40, no. 1 (2024): 259–271; Rehman, N., Masykur, M.H., and Wicaksono, S. "Legal Reform: The Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision)." *Journal of Law and Legal Reform* 5, no. 2 (2024): 655–680; Priskarini, I.A., Pranoto, and K. Tejomurti. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435.

<sup>20</sup> Rizal, M.S., Yuliati, and S. Hamidah. "Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 68–82; Sukarmi, and Y.T. Permono. "Perlindungan Hukum Konsumen dalam Transaksi Secara Online." *Jurnal Hukum Unissula* 35, no. 1 (2019): 77–100

<sup>21</sup> Alsharu, A. I., Aldowery, T. F., & Jawad, N. K. M. (2024). Jordanian Legal Provisions for Electronic Commerce: Consumer Protection Perspectives A Comparative Study. *Beijing Law Review*, 15(1), 444-456; Syahrin, M. A. (2020). Konsep Keabsahan Kontrak Elektronik Berdasarkan Hukum Nasional Dan Uncitral Model Law on Electronic Commerce Tahun 1996: Studi Perbandingan Hukum Dan Impilkasinya Dalam Hukum Perlindungan Konsumen. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 9(2), 105-122.

customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law, various regulations had existed that aimed to protect consumer interests. Although Consumer Protection Law is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of Government Regulation in Lieu of Law (Perpu) Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law, because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. For twenty years, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of consumers in Indonesia.<sup>22</sup> Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia. In Consumer Protection Law, the aspect of the agreement has an

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<sup>22</sup> Rosadi, S. D., & Tahira, Z. (2018). Consumer protection in digital economy era: law in Indonesia. *Yustisia Jurnal Hukum*, 7(1), 81.

important role although it is not absolute.<sup>23</sup> Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

It is important for consumers to have a good understanding of their rights in order to act critically and independently.<sup>24</sup> This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature.<sup>25</sup> Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions.<sup>26</sup>

Criminal law plays an important role even though it does not explicitly mention "consumers". Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of Consumer Protection Law, the term business actor is defined as "Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of Consumer Protection Law, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

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<sup>23</sup> Munggaran, S. I., Sudjana, S., & Nugroho, B. D. (2019). Perlindungan Konsumen Terhadap Pencantuman Klausula Baku Dalam Perjanjian. *ACTA Diurnal Jurnal Ilmu Hukum Kenotariatan*, 2(2), 187-199.

<sup>24</sup> Zard, L., & Sears, A. M. (2023). Targeted Advertising and Consumer Protection Law in the EU. *Vanderbilt Journal of Transnational Law*, 56(3).

<sup>25</sup> Hertanto, A. W. (2007). Aspek-aspek Hukum Perjanjian Distributor dan Keagenan (Suatu Analisis Keperdataan). *Jurnal Hukum & Pembangunan*, 37(3), 381-408.

<sup>26</sup> Wariati, A., & Susanti, N. I. (2014). E-commerce dalam perspektif perlindungan konsumen. *ProBank*, 1(1), 162105.

Article 6 of Law No. 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

This shows that Indonesia's evolving consumer protection landscape reflects both historical legal frameworks and modern legislative advancements. While Consumer Protection Law serves as the central law safeguarding consumer rights, it is clear that earlier regulations, including provisions from the Dutch East Indies era and various national laws, laid the foundation for these protections. The enactment of the Consumer Protection Law in 1999 marked a significant milestone in strengthening consumer rights and ensuring that business actors are held accountable. These legal developments, coupled with supporting regulations such as the Government Regulation No. 57 of 2001, provide a robust framework for both consumers and businesses to navigate the marketplace.<sup>27</sup> Additionally, the complementary role of criminal law in protecting consumers from fraud and unsafe products further underscores the multifaceted approach Indonesia has taken toward consumer protection.

However, despite the comprehensive legal structure, challenges remain in ensuring that these laws are effectively enforced and adapted to modern consumer needs. While some highlight the role of the Consumer Dispute Settlement Agency (BPSK) in overseeing the enforcement of standardized clauses,<sup>28</sup> ongoing efforts are required to address gaps, particularly in the digital economy and emerging sectors. Consumers must also be empowered with better knowledge of their rights,<sup>29</sup> to

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<sup>27</sup> Salvia, M.P., and Putri, L.P.Y.K. "Constitutionality of the Execution of Fiduciary Guarantees within the Framework of Consumer Rights Protection | Konstitusionalitas Eksekusi Jaminan Fidusia dalam Kerangka Perlindungan Hak Konsumen." *Jurnal Konstitusi* 21, no. 2 (2024): 275–291.

<sup>28</sup> Yuanitasari, D., Kusmayanti, H., and Suwandono, A. "A Comparison Study of Strict Liability Principles Implementation for Product Liability within Indonesian Consumer Protection Law Between Indonesia and United States of America Law." *Cogent Social Sciences* 9, no. 2 (2023): 2246748; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435.

<sup>29</sup> Fauzansyah, T., A. Yahya, and I. Jauhari. "Legal Protection of Home Buyer Consumer through Sales and Purchase Agreement | Perlindungan Hukum terhadap Konsumen Pembelian Rumah melalui Perjanjian Pengikatan Jual Beli." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 2 (2019): 272–281; Palangkey, R.D., A.Q. Gassing, K. Salenda, Marilang, and T.S. Rijal. "Analysis of Islamic Law on Consumer Protection in Hajj and Umrah Business in Indonesia | Analisis Hukum Islam terhadap Perlindungan Konsumen dalam Bisnis Haji dan Umrah di Indonesia." *Al-'Adalah* 18, no. 1 (2021): 113–130.



navigate a complex and often opaque marketplace.<sup>30</sup> Some argue, continuous legal reforms, including those addressing consumer rights, will be crucial in adapting to the changing dynamics of consumer protection.<sup>31</sup> By strengthening the role of regulatory bodies and ensuring that both consumers and businesses are equally educated and informed, Indonesia can foster a more just and balanced marketplace.

### ***Strengthening Institutional Roles in Legal Enforcement***

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract lawsuits is based on binding contracts between consumers and producers, both written and oral contracts.<sup>32</sup> The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001.<sup>33</sup> This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

Regarding membership, Consumer Protection Law Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency (Fista, 2023). These principles include the right to

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<sup>30</sup> Setyawan, G.I., Kurniawan, and L.W.P. Suhartana. "Legal Protection of Consumer Rights in the Purchase of the Airplane's Passengers Insurance Premiums through Traveloka Sites | Perlindungan Hukum terhadap Hak-Hak Konsumen Penumpang Pesawat Udara dalam Pembelian Premi Asuransi melalui Situs Traveloka." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 1 (2019): 156–169; Rizal, M.S., Yuliati, and S. Hamidah. "Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 68–82; Sukarmi, and Y.T. Permono. "Perlindungan Hukum Konsumen dalam Transaksi Secara Online." *Jurnal Hukum Unissula* 35, no. 1 (2019): 77–100; Priskarini, I.A., Pranoto, and K. Tejomurti. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575.

<sup>31</sup> Azizah, M. "Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia." *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 2 (2021): 153–165.

<sup>32</sup> Heriyanti, Y. (2019). Kerugian Konsumen Sebagai Tanggung Jawab Pelaku Usaha Dalam Perdagangan Elektronik Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Jurnal Pahlawan*, 2(2), 9-13.

<sup>33</sup> van Aken, D. (2002). Assessing risks—challenges posed by the European general product safety directive. *Injury control and safety promotion*, 9(3), 151-156.



obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions.<sup>34</sup> BPKN also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the Consumer Dispute Resolution Agency (BPSK) or through the courts. Consumer protection, both at the national and international levels as regulated in Consumer Protection Law article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law No. 8 of 1999 concerning Consumer Protection. LPKSM aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors.<sup>35</sup> This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process.<sup>36</sup>

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards.<sup>37</sup> Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code and the Criminal Code. In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

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<sup>34</sup> Mak, V., & Terry, E. (2020). Circular economy and consumer protection: The consumer as a citizen and the limits of empowerment through consumer law. *Journal of Consumer Policy*, 43(1), 227-248.

<sup>35</sup> Suryadi, N., Rahmatiar, Y., & Abas, M. (2023). Tinjauan yuridis terhadap keberadaan lembaga perlindungan konsumen swadaya masyarakat di kabupaten karawang berdasarkan undang-undang nomor 8 tahun 1999 tentang perlindungan konsumen. *Jurnal Ilmu Hukum The Juris*, 3(1), 209-219.

<sup>36</sup> Arifin, R., Kambuno, J.A., Waspiah, and Latifiani, D. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3 (2021): 135-160.

<sup>37</sup> Nurwanto, A., & Hanifah, I. (2022). Tinjauan Yuridis Asas Pacta Sunt Servanda Dalam Perjanjian Pembiayaan Kredit Kendaraan Bermotor (Study Komparatif KUH Perdata Dan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Tentang Perlindungan Konsumen). *Iuris Studia: Jurnal Kajian Hukum*, 3(3), 278-287.

Overall, the findings showed that the legal responsibility of business actors toward consumers is rooted in the recognition of consumers' vulnerable position in economic transactions. Consumers are often at an informational disadvantage, which makes them highly reliant on the transparency and honesty of business actors.<sup>38</sup> This is compounded by the generally low levels of education within the consumer population, making education and awareness crucial in mitigating exploitation. The role of consumer protection laws, such as those under the Consumer Protection Law and the establishment of bodies like the National Consumer Protection Agency (BPKN), reflects a broader commitment to addressing these issues by ensuring consumers are informed, protected, and able to seek redress. The collaborative efforts between government bodies, non-governmental institutions, and international standards are essential in creating a fair and secure market environment for consumers.

Moreover, the presence of institutions like the Non-Governmental Consumer Protection Institution (LPKSM) further strengthens the consumer protection framework in Indonesia. This institution serves not only as an advocate for consumer rights but also as an active participant in ensuring market compliance with safety and ethical standards. By providing education, legal assistance, and filing lawsuits in cases of violations, LPKSM plays a pivotal role in promoting a healthier market ecosystem.<sup>39</sup> Legal avenues through civil and criminal law also offer consumers the necessary tools to pursue justice when their rights are infringed upon, whether through fraud or unsafe products.<sup>40</sup>

## Conclusion

Consumer protection plays a vital role in the well-being of individuals and the economy as a whole. Law No. 8 of 1999 concerning Consumer Protection provides a clear legal basis for protecting consumer rights, increasing their awareness, and encouraging business actors to be responsible. Implementing the principles of fair, transparent, and efficient consumer protection enables safe transactions and increases market confidence. Effective consumer protection depends on consumers' understanding of their rights and the obligations of business actors to provide accurate and honest information. The Consumer Protection Law regulates the balance of rights between consumers and business actors, emphasizing the obligation of business

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<sup>38</sup> Imanuddin, I., Dewi Anggraeni, R.R., Fridayani, and Susanto. "Construction of Consumer Protection Against Illegal Online Loan Transactions As a Means of *Ius Constituendum* in Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 3 (2023): 539–556.

<sup>39</sup> Arifin, R., Kambuno, J.A., Waspiah, and Latifiani, D. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3 (2021): 135–160.

<sup>40</sup> Atikah, I. "Consumer Rights Protection Against Price Gouging During the COVID-19 Pandemic in Indonesia." *UUM Journal of Legal Studies* 13, no. 2 (2022): 109–128; Arindrajaya, S.C. "Legal Protection Against Cryptocurrency Investors: Overview of Indonesian Consumer Protection Law." *Journal of Human Rights, Culture and Legal System* 2, no. 2 (2022): 113–120; Galasintu, S., and Loveera, C. "The Comparative Study on Consumer Protection Laws in ASEAN." *Kasetsart Journal of Social Sciences* 42, no. 4 (2021): 804–809; Azizah, M. "Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 2 (2021): 153–165; Salim, R. "Perlindungan Konsumen dalam Kepailitan." *Jurnal Hukum Unissula* 36, no. 1 (2020): 25–34; Ramlan, and Nahrowi. "Halâl Certification as an Application of Islamic Business Ethics in Muslim Consumer Protection | Sertifikasi Halal sebagai Penerapan Etika Bisnis Islami dalam Upaya Perlindungan bagi Konsumen Muslim." *Ahkam: Jurnal Ilmu Syariah* 14, no. 1 (2014): 145–154.

actors to act transparently and responsibly. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is one real example of how the government acts to regulate and supervise consumer protection nationally. Educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics.

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# INSTITUTIONAL ROLES AND MECHANISMS IN UPHOLDING LEGAL PROTECTION UNDER CONSUMER PROTECTION LAW IN THE ERA OF GLOBALIZATION

## Abstract

This study aims to analyze the role of institutions, a largely neglected aspect in previous research on consumer protection law in Indonesia, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. With the rapid development of digitalization, consumer protection law is critical in safeguarding consumer rights against harmful business practices, such as fraud, defective products, and monopolistic behaviors. While the law promotes transparency, fairness, and security in online transactions by harmonizing standards across various institutions, its effective enforcement depends on the roles of both private and governmental entities. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law No. 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

**Keywords:** consumer protection law, globalization, consumer protection institutions, legal harmonization, consumer disputes.

## Introduction

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly.<sup>1</sup> In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization.<sup>2</sup> Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have

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**Commented [s3]:** It is recommended to mention the names of the institutions involved or relevant to this research, as they are an important part of your findings

**Commented [s4]:** Citation??

<sup>1</sup> Firdaus, A., & Leviza, J. (2023). Pancasila Ideology in Challenges of Globalization on Mineral and Coal Law in Indonesia. *Journal of Law and Sustainable Development*, 11(11), e1148-e1148.

<sup>2</sup> Setiamandani, E. D. (20018). Kemandirian Konsumen di Era Globalisasi dan Perdagangan Bebas (Kajian Mengenai Undang-undang Perlindungan Konsumen No. 8 Tahun 1999 terhadap Perlindungan Hak-hak Konsumen). *Widya Yuridika*, 1(1), 234796.

become the main channels through which consumers can make transactions.<sup>3</sup> This situation adds a new layer of complexity to consumer protection. Consumers are faced with new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach. By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Previous studies have examined various aspects of consumer protection law, such as data protection, consumer dispute resolution, and product liability.<sup>4</sup> However, to the best of our knowledge, there is a research gap concerning the institutional roles in consumer protection law in Indonesia. While some research discusses legal reforms and mechanisms for consumer protection,<sup>5</sup> few have focused on the role of institutions in enforcing these laws. Institutional structures and their impact on enforcement remain underexplored. The significance of consumer dispute resolution agencies and their roles in safeguarding consumer rights is largely overlooked.<sup>6</sup> Furthermore, although scholars highlight various consumer protection issues,<sup>7</sup> they do not delve deeply into the institutional frameworks that support or hinder effective legal

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<sup>3</sup> Jackson, H. E., & Rothstein, P. (2019). The Analysis of Benefits in Consumer Protection Regulations. *Harv. Bus. L. Rev.*, 9, 197.

<sup>4</sup> Prastyanti, R.A., Yafi, E., Wardiono, K., and Budiono, A. "The Legal Aspect of Consumers' Protection from Pop-Up Advertisements in Indonesia." *Lentera Hukum* 8, no. 1 (2021): 73–94; Lira, M.A., Buana, A.P., and Mamonto, M.A.W.W. "Consumer Legal Protection Related to Goods Storage Agreements in Shopping Centers in Realizing Justice." *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 1 (2024): 237–250; Arifin, R., Kambuno, J. A., Waspiyah, W., & Latifiani, D. (2021). Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia. *Jambura Law Review*, 3, 135-160.

<sup>5</sup> Rehman, N., Masykur, M.H., and Wicaksono, S. "Legal Reform: The Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision)." *Journal of Law and Legal Reform* 5, no. 2 (2024): 655–680; Suryamah, A., Yuanitasari, D., Angela, I.M., and Assalihee, M. "Regulation and Application of the Doctrine of Res Ipsa Loquitur in the Settlement of Consumer Disputes in Indonesia." *Journal of Law and Legal Reform* 5, no. 1 (2024): 237–266.

<sup>6</sup> Harjono, D.K., Panjaitan, H., Soerjadjanegara, M., Kamal, A.H.M., and Suwarno, S. "Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency." *Jurnal Hukum Unissula* 40, no. 1 (2024): 259–271; Hati, S.R.H., and Latip, H.A. "Behind the Curtain of Payday Lending: Revealing Consumer Insights and Ethical Challenges in Indonesia and the USA Using Web-Scraping Methods." *International Journal of Ethics and Systems* 40, no. 2 (2024): 436–452; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435

<sup>7</sup> Holijah, and Rizal, M. "Islamic Compensation Concept: The Consumer Dispute Settlement Pattern in Indonesia." *Samarah* 6, no. 1 (2022): 98–114; Holijah. "Evidence from the Largest Muslim Country in the World: Legal Culture of Consumers' Dispute Settlement in the Justice System." *Islamic Quarterly* 68, no. 1 (2024): 23–40; Salvia, H., Priowirjanto, E.S., and Suwandono, A. "Operator Responsibilities in Safeguarding Consumer Rights Against GPS Spoofing in Ride-Hailing Services." *Padjadjaran Jurnal Ilmu Hukum* 11, no. 2 (2024): 208–230.

enforcement in Indonesia. This gap suggests the need for a comprehensive investigation into how institutional structures, agencies and their roles contribute to or impede the enforcement of consumer protection laws in the country.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology.<sup>8</sup> They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges.

The purpose of this study is to examine the often-overlooked role of institutions in the enforcement of consumer protection law in Indonesia, particularly within the context of globalization and the rapid growth of online marketing. By focusing on the institutional framework, this research aims to assess how various public and private entities contribute to maintaining a balance between consumers and producers in the digital era. While existing studies have primarily concentrated on the legal aspects of consumer protection, this study highlights the practical functions of institutions in educating consumers, supervising business practices, and resolving disputes. The novelty of this study lies in its exploration of the institutional mechanisms that underpin the effectiveness of consumer protection laws, specifically within the framework of Law No. 8 of 1999, and its focus on how these institutions address emerging challenges such as digital consumer rights, monopolistic practices, and the enforcement of fair business practices in an increasingly globalized marketplace.

## Research methods

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the Law No. 11 of 2008 on Electronic Information and Transactions, and Law Number 8 of 1999 concerning Consumer Protection. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials, including legal expert writings in the form of books, scientific journals, seminar papers, theses, and dissertations. Tertiary legal materials provide additional information related to primary and secondary materials, such as legal dictionaries, legal encyclopedias, legal directories, and other references. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing

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<sup>8</sup> Yasa, I. G. M. O. S., Sudiarmaka, I. K., & Ardhyana, S. N. (2021). Peran Yayasan Lembaga Perlindungan Konsumen Terkait Kerugian Konsumen Ditinjau Berdasarkan Pasal 8 Huruf F Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus Kerugian Konsumen Terhadap Pembelian Rumah Subsidi di Wilayah Kabupaten Tabanan). *Jurnal Komunitas Yustisia*, 4(2), 322-333.

facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## Research result

### ***Legal Frameworks of Consumer Protection in Indonesia***

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect consumers, as realized through Law No. 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and strive to resolve disputes peacefully and fairly.<sup>9</sup> This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection.<sup>10</sup> Article 2 of the Consumer Protection Law emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests.<sup>11</sup>

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions.<sup>12</sup>

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<sup>9</sup> Rahmawati, E., & Abubakar, L. (2019). Peranan Penyelesaian Sengketa Pasar Modal: Suatu Tinjauan Atas Perkara Perdata Terkait Transaksi Repo. *Jurnal Bina Mulia Hukum*, 4(1), 130-149.

<sup>10</sup> Wicaksono, R., Nugroho, A. A., & Agustanti, R. D. (2021). Perlindungan Hukum Terhadap Konsumen Indihome Ditinjau Dari Undang-Undang Perlindungan Konsumen. *Jurnal Ilmiah Penegakan Hukum*, 8(2), 149-159.

<sup>11</sup> Siddiq, N. K., Wahyuddin, W., & Rahmatulloh, J. (2022). Efficiency Of Consumer Dispute Settlement Agency In Consumer Dispute Settlement In Indonesia. *Trunojoyo Law Review*, 4(2), 83-98.

<sup>12</sup> Indrawati, N. (2014). Penerapan Asas keadilan Dalam Polis Asuransi kendaraan Bermotor dan Perlindungan Konsumen PT. Asuransi Wahana Tata. *Jurnal Ilmu Hukum*, 1-19.

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully.<sup>13</sup> A balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere.<sup>14</sup> The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications.<sup>15</sup> At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection continued to be postponed, due to the lack of support and support from the Government and the House of Representatives.<sup>16</sup> As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia.<sup>17</sup> Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises and Regional-Owned Enterprises have more or less worsened the embodiment of consumer rights in practice.

Indonesia's legal framework for consumer protection, embodied in Law No. 8 of 1999, serves as a critical foundation for safeguarding consumer rights and promoting economic stability. This law has laid out essential principles aimed at enhancing consumer awareness, improving business accountability, and ensuring efficient dispute resolution mechanisms. By promoting a balanced relationship between consumers, businesses, and the government, the law has the potential to foster an environment of mutual respect and fair treatment in consumer transactions. As highlighted by previous research, a well-structured consumer protection law not only protects individual welfare but also contributes to economic growth by fostering

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<sup>13</sup> Purwanti, M. N., & Hariri, A. (2022). Perlindungan Hukum bagi Konsumen atas Kelangkaan Minyak Goreng Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum*, 2(1), 1-10.

<sup>14</sup> Tambuwun, T. T. (2020). Peranan Badan Pengawas Obat Dan Makanan (Bpom) Dalam Perlindungan Konsumen Yang Mengandung Zat Berbahaya. *Lex Privatum*, 8(4); Siregar, S. P. (2024). Kepastian Hukum Perlindungan Konsumen Sesuai Dengan Ketentuan Undang-Undang Perlindungan Konsumen. *Journal of Law, Administration, and Social Science*, 4(2), 228-233.

<sup>15</sup> Nugroho, A. (2014). Peranan Yayasan Lembaga Konsumen Indonesia Dalam Membantu Masyarakat yang Dirugikan Akibat Iklan yang Menyesatkan. *Lex Jurnalica*, 11(2), 18086.

<sup>16</sup> Hayati, A. N., & Ginting, A. R. (2021). Analisis Mekanisme Ganti Rugi Pengembalian Dana Dalam Transaksi E-Commerce Ditinjau Dari Hukum Perlindungan Konsumen. *Jurnal Ilmiah Kebijakan Hukum*, 15(3), 509-526.

<sup>17</sup> Yudi, M. R. M. (2016). Peranan Lembaga Penjamin Simpanan Dalam Melindungi Nasabah Bank Menurut UU No. 7 Tahun 2009. *Lex Privatum*, 4(3).

trust and encouraging responsible business practices.<sup>18</sup> However, the effectiveness of these legal frameworks is contingent upon the institutional structures in place to enforce them. Despite the established legal principles, significant gaps remain in understanding the role of institutions in ensuring the practical implementation of consumer protection laws in Indonesia, such as the enforcement mechanisms, dispute resolutions, particularly the role of agencies,<sup>19</sup> and institutional frameworks in consumer protection laws, while it making difficult to address emerging challenges such as digital consumer rights and monopolistic practices.<sup>20</sup>

### **Consumer Protection Law in Safeguarding Consumer Rights and Promoting Fair Business Practices**

The principles of consumer protection existed in the Consumer Protection Law before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW/KUH Perdata), there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The Commercial Code also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others.<sup>21</sup> Even in

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<sup>18</sup> Prastyanti, R.A., and Sharma, R. "Establishing Consumer Trust Through Data Protection Law as a Competitive Advantage in Indonesia and India." *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 354–390; Fibrianti, N., Santoso, B., Setyowati, R., and Rindyawati, Y. "Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1267–1310.

<sup>19</sup> Harjono, D.K., Panjaitan, H., Soerjadjanegara, M., Kamal, A.H.M., and Suwarno, S. "Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency." *Jurnal Hukum Unissula* 40, no. 1 (2024): 259–271; Rehman, N., Masykur, M.H., and Wicaksono, S. "Legal Reform: The Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision)." *Journal of Law and Legal Reform* 5, no. 2 (2024): 655–680; Priskarini, I.A., Pranoto, and K. Tejomurti. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435.

<sup>20</sup> Rizal, M.S., Yuliati, and S. Hamidah. "Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 68–82; Sukarmi, and Y.T. Permono. "Perlindungan Hukum Konsumen dalam Transaksi Secara Online." *Jurnal Hukum Unissula* 35, no. 1 (2019): 77–100

<sup>21</sup> Alsharu, A. I., Aldowery, T. F., & Jawad, N. K. M. (2024). Jordanian Legal Provisions for Electronic Commerce: Consumer Protection Perspectives A Comparative Study. *Beijing Law Review*, 15(1), 444-456; Syahrin, M. A. (2020). Konsep Keabsahan Kontrak Elektronik Berdasarkan Hukum Nasional Dan Uncitral Model Law on Electronic Commerce Tahun 1996: Studi Perbandingan Hukum Dan Implikasinya Dalam Hukum Perlindungan Konsumen. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 9(2), 105-122.

customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law, various regulations had existed that aimed to protect consumer interests. Although Consumer Protection Law is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of Government Regulation in Lieu of Law (Perpu) Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law, because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. For twenty years, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of consumers in Indonesia.<sup>22</sup> Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia. In Consumer Protection Law, the aspect of the agreement has an

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<sup>22</sup> Rosadi, S. D., & Tahira, Z. (2018). Consumer protection in digital economy era: law in Indonesia. *Yustisia Jurnal Hukum*, 7(1), 81.



important role although it is not absolute.<sup>23</sup> Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

It is important for consumers to have a good understanding of their rights in order to act critically and independently.<sup>24</sup> This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature.<sup>25</sup> Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions.<sup>26</sup>

Criminal law plays an important role even though it does not explicitly mention "consumers". Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of Consumer Protection Law, the term business actor is defined as "Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of Consumer Protection Law, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

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**Commented [s17]:** Make sure whether the Criminal Code does not mention the word "consumer," and provide the citation.

<sup>23</sup> Munggaran, S. I., Sudjana, S., & Nugroho, B. D. (2019). Perlindungan Konsumen Terhadap Pencantuman Klausula Baku Dalam Perjanjian. *ACTA Diurnal Jurnal Ilmu Hukum Kenotariatan*, 2(2), 187-199.

<sup>24</sup> Zard, L., & Sears, A. M. (2023). Targeted Advertising and Consumer Protection Law in the EU. *Vanderbilt Journal of Transnational Law*, 56(3).

<sup>25</sup> Hertanto, A. W. (2007). Aspek-aspek Hukum Perjanjian Distributor dan Keagenan (Suatu Analisis Keperdataan). *Jurnal Hukum & Pembangunan*, 37(3), 381-408.

<sup>26</sup> Wariati, A., & Susanti, N. I. (2014). E-commerce dalam perspektif perlindungan konsumen. *ProBank*, 1(1), 162105.



Article 6 of Law No. 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

This shows that Indonesia's evolving consumer protection landscape reflects both historical legal frameworks and modern legislative advancements. While Consumer Protection Law serves as the central law safeguarding consumer rights, it is clear that earlier regulations, including provisions from the Dutch East Indies era and various national laws, laid the foundation for these protections. The enactment of the Consumer Protection Law in 1999 marked a significant milestone in strengthening consumer rights and ensuring that business actors are held accountable. These legal developments, coupled with supporting regulations such as the Government Regulation No. 57 of 2001, provide a robust framework for both consumers and businesses to navigate the marketplace.<sup>27</sup> Additionally, the complementary role of criminal law in protecting consumers from fraud and unsafe products further underscores the multifaceted approach Indonesia has taken toward consumer protection.

However, despite the comprehensive legal structure, challenges remain in ensuring that these laws are effectively enforced and adapted to modern consumer needs. While some highlight the role of the Consumer Dispute Settlement Agency (BPSK) in overseeing the enforcement of standardized clauses,<sup>28</sup> ongoing efforts are required to address gaps, particularly in the digital economy and emerging sectors. Consumers must also be empowered with better knowledge of their rights,<sup>29</sup> to

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<sup>27</sup> Salvia, M.P., and Putri, L.P.Y.K. "Constitutionality of the Execution of Fiduciary Guarantees within the Framework of Consumer Rights Protection | Konstitusionalitas Eksekusi Jaminan Fidusia dalam Kerangka Perlindungan Hak Konsumen." *Jurnal Konstitusi* 21, no. 2 (2024): 275–291.

<sup>28</sup> Yuanitasari, D., Kusmayanti, H., and Suwandono, A. "A Comparison Study of Strict Liability Principles Implementation for Product Liability within Indonesian Consumer Protection Law Between Indonesia and United States of America Law." *Cogent Social Sciences* 9, no. 2 (2023): 2246748; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435.

<sup>29</sup> Fauzansyah, T., A. Yahya, and I. Jauhari. "Legal Protection of Home Buyer Consumer through Sales and Purchase Agreement | Perlindungan Hukum terhadap Konsumen Pembelian Rumah melalui Perjanjian Pengikatan Jual Beli." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 2 (2019): 272–281; Palangkey, R.D., A.Q. Gassing, K. Salenda, Marilang, and T.S. Rijal. "Analysis of Islamic Law on Consumer Protection in Hajj and Umrah Business in Indonesia | Analisis Hukum Islam terhadap Perlindungan Konsumen dalam Bisnis Haji dan Umrah di Indonesia." *Al-Adalah* 18, no. 1 (2021): 113–130.

navigate a complex and often opaque marketplace.<sup>30</sup> Some argue, continuous legal reforms, including those addressing consumer rights, will be crucial in adapting to the changing dynamics of consumer protection.<sup>31</sup> By strengthening the role of regulatory bodies and ensuring that both consumers and businesses are equally educated and informed, Indonesia can foster a more just and balanced marketplace.

### **Strengthening Institutional Roles in Legal Enforcement**

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position; second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract lawsuits is based on binding contracts between consumers and producers, both written and oral contracts.<sup>32</sup> The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001.<sup>33</sup> This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

Regarding membership, Consumer Protection Law Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency (Fista, 2023). These principles include the right to

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<sup>30</sup> Setyawan, G.I., Kurniawan, and L.W.P. Suhartana. "Legal Protection of Consumer Rights in the Purchase of the Airplane's Passengers Insurance Premiums through Traveloka Sites | Perlindungan Hukum terhadap Hak-Hak Konsumen Penumpang Pesawat Udara dalam Pembelian Premi Asuransi melalui Situs Traveloka." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 1 (2019): 156–169; Rizal, M.S., Yuliati, and S. Hamidah. "Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 68–82; Sukarmi, and Y.T. Permono. "Perlindungan Hukum Konsumen dalam Transaksi Secara Online." *Jurnal Hukum Unissula* 35, no. 1 (2019): 77–100; Priskarini, I.A., Pranoto, and K. Tejomurti. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575.

<sup>31</sup> Azizah, M. "Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia." *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 2 (2021): 153–165.

<sup>32</sup> Heriyanti, Y. (2019). Kerugian Konsumen Sebagai Tanggung Jawab Pelaku Usaha Dalam Perdagangan Elektronik Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Jurnal Pahlawan*, 2(2), 9-13.

<sup>33</sup> van Aken, D. (2002). Assessing risks—challenges posed by the European general product safety directive. *Injury control and safety promotion*, 9(3), 151-156.

obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions.<sup>34</sup> BPKN also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the Consumer Dispute Resolution Agency (BPSK) or through the courts. Consumer protection, both at the national and international levels as regulated in Consumer Protection Law article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law No. 8 of 1999 concerning Consumer Protection. LPKSM aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors.<sup>35</sup> This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process.<sup>36</sup>

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards.<sup>37</sup> Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code and the Criminal Code. In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

<sup>34</sup> Mak, V., & Terry, E. (2020). Circular economy and consumer protection: The consumer as a citizen and the limits of empowerment through consumer law. *Journal of Consumer Policy*, 43(1), 227-248.

<sup>35</sup> Suryadi, N., Rahmatiar, Y., & Abas, M. (2023). Tinjauan yuridis terhadap keberadaan lembaga perlindungan konsumen swadaya masyarakat di kabupaten karawang berdasarkan undang-undang nomor 8 tahun 1999 tentang perlindungan konsumen. *Jurnal Ilmu Hukum The Juris*, 7(1), 209-219.

<sup>36</sup> Arifin, R., Kambuno, J.A., Waspiah, and Latifiani, D. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3 (2021): 135-160.

<sup>37</sup> Nurwanto, A., & Hanifah, I. (2022). Tinjauan Yuridis Asas Pacta Sunt Servanda Dalam Perjanjian Pembiayaan Kredit Kendaraan Bermotor (Study Komparatif KUH Perdata Dan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Tentang Perlindungan Konsumen). *Iuris Studia: Jurnal Kajian Hukum*, 3(3), 278-287.

**Commented [s20]:** The abbreviation BPKN is mentioned for the first time here. Please clarify its full form before using the abbreviation.

**Commented [s21]:** The abbreviation "Consumer Dispute Resolution Agency (BPSK)" is repeated multiple times. Please use it only the first time and then refer to it as "BPSK" thereafter.

**Commented [s22]:** The abbreviation "LPKSM" is not spelled out when first mentioned, but instead at the end. Please clarify and spell out the abbreviation the first time it is used.

Overall, the findings showed that the legal responsibility of business actors toward consumers is rooted in the recognition of consumers' vulnerable position in economic transactions. Consumers are often at an informational disadvantage, which makes them highly reliant on the transparency and honesty of business actors.<sup>38</sup> This is compounded by the generally low levels of education within the consumer population, making education and awareness crucial in mitigating exploitation. The role of consumer protection laws, such as those under the Consumer Protection Law and the establishment of bodies like the National Consumer Protection Agency (BPKN), reflects a broader commitment to addressing these issues by ensuring consumers are informed, protected, and able to seek redress. The collaborative efforts between government bodies, non-governmental institutions, and international standards are essential in creating a fair and secure market environment for consumers.

Moreover, the presence of institutions like the Non-Governmental Consumer Protection Institution (LPKSM) further strengthens the consumer protection framework in Indonesia. This institution serves not only as an advocate for consumer rights but also as an active participant in ensuring market compliance with safety and ethical standards. By providing education, legal assistance, and filing lawsuits in cases of violations, LPKSM plays a pivotal role in promoting a healthier market ecosystem.<sup>39</sup> Legal avenues through civil and criminal law also offer consumers the necessary tools to pursue justice when their rights are infringed upon, whether through fraud or unsafe products.<sup>40</sup>

## Conclusion

Consumer protection plays a vital role in the well-being of individuals and the economy as a whole. Law No. 8 of 1999 concerning Consumer Protection provides a clear legal basis for protecting consumer rights, increasing their awareness, and encouraging business actors to be responsible. Implementing the principles of fair, transparent, and efficient consumer protection enables safe transactions and increases market confidence. Effective consumer protection depends on consumers' understanding of their rights and the obligations of business actors to provide accurate and honest information. The Consumer Protection Law regulates the balance of rights between consumers and business actors, emphasizing the obligation of business

<sup>38</sup> Imanuddin, I., Dewi Anggraeni, R.R., Fridayani, and Susanto. "Construction of Consumer Protection Against Illegal Online Loan Transactions As a Means of Ius Constituendum in Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 3 (2023): 539–556.

<sup>39</sup> Arifin, R., Kambuno, J.A., Waspiyah, and Latifiani, D. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3 (2021): 135–160.

<sup>40</sup> Atikah, I. "Consumer Rights Protection Against Price Gouging During the COVID-19 Pandemic in Indonesia." *UUM Journal of Legal Studies* 13, no. 2 (2022): 109–128; Arindrajaya, S.C. "Legal Protection Against Cryptocurrency Investors: Overview of Indonesian Consumer Protection Law." *Journal of Human Rights, Culture and Legal System* 2, no. 2 (2022): 113–120; Galasintu, S., and Loveera, C. "The Comparative Study on Consumer Protection Laws in ASEAN." *Kasetsart Journal of Social Sciences* 42, no. 4 (2021): 804–809; Azizah, M. "Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 2 (2021): 153–165; Salim, R. "Perlindungan Konsumen dalam Kepailitan." *Jurnal Hukum Unissula* 36, no. 1 (2020): 25–34; Ramlan, and Nahrowi. "Halâl Certification as an Application of Islamic Business Ethics in Muslim Consumer Protection | Sertifikasi Halal sebagai Penerapan Etika Bisnis Islami dalam Upaya Perlindungan bagi Konsumen Muslim." *Ahkam: Jurnal Ilmu Syariah* 14, no. 1 (2014): 145–154.

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**Commented [s27]:** Make sure the conclusion covers the key findings.

**Commented [s28]:** Please add the theoretical implications.

actors to act transparently and responsibly. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is one real example of how the government acts to regulate and supervise consumer protection nationally. Educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics.

**Commented [s29]:** Please mention other institutions that are also discussed and play a role in this study.

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# INSTITUTIONAL ROLES AND MECHANISMS IN UPHOLDING LEGAL PROTECTION UNDER CONSUMER PROTECTION LAW IN THE ERA OF GLOBALIZATION

## Abstract

Consumer protection law is essential in safeguarding rights against fraud and unfair practices, relying on both private institutions and governmental enforcement. This study aims to analyze the legal frameworks of consumer protection in Indonesia. It also examines the roles of institutions in the legal enforcement of consumer protection, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law Number 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions, such as National Consumer Protection Agency (BPKN) Non-Governmental Consumer Protection Institution (LPKSM) Consumer Dispute Resolution Agency (BPSK), in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

**Keywords:** consumer protection law, globalization, consumer protection institutions, legal harmonization, consumer disputes.

## Introduction

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and quickly.<sup>1</sup> In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization.<sup>2</sup> Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.<sup>3</sup>

<sup>1</sup> Firdaus, A., & Leviza, J. (2023). Pancasila Ideology in Challenges of Globalization on Mineral and Coal Law in Indonesia. *Journal of Law and Sustainable Development*, 11(11), e1148-e1148.

<sup>2</sup> Setiamandani, E. D. (2018). Kemandirian Konsumen di Era Globalisasi dan Perdagangan Bebas (Kajian Mengenai Undang-undang Perlindungan Konsumen No. 8 Tahun 1999 terhadap Perlindungan Hak-hak Konsumen). *Widya Yuridika*, 1(1), 234796.

<sup>3</sup> Yuanitasari, D., and Kusmayanti, H. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku

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The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions.<sup>4</sup> This situation adds a new layer of complexity to consumer protection. Consumers are faced with new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach.<sup>5</sup> By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Previous studies have examined various aspects of consumer protection law, such as data protection, consumer dispute resolution, and product liability.<sup>6</sup> However, to the best of our knowledge, there is a research gap concerning the institutional roles in consumer protection law in Indonesia. While some research discusses legal reforms and mechanisms for consumer protection,<sup>7</sup> few have focused on the role of institutions in enforcing these laws. Institutional structures and their impact on enforcement remain underexplored. The significance of consumer dispute resolution agencies and their roles in safeguarding consumer rights is largely overlooked.<sup>8</sup> Furthermore,

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Dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435; Du, Shuili, and Chunyan Xie. "Paradoxes of artificial intelligence in consumer markets: Ethical challenges and opportunities." *Journal of Business Research* 129 (2021): 961-974.; Culnan, Mary J., and Robert J. Bies. "Consumer privacy: Balancing economic and justice considerations." *Journal of social issues* 59, no. 2 (2003): 323-342.

<sup>4</sup> Jackson, H. E., & Rothstein, P. (2019). The Analysis of Benefits in Consumer Protection Regulations. *Harv. Bus. L. Rev.*, 9, 197.

<sup>5</sup> Priskarini, I.A., Pranoto, and Tejomurti, K. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with the Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575.

<sup>6</sup> Prastyanti, R.A., Yafi, E., Wardiono, K., and Budiono, A. "The Legal Aspect of Consumers' Protection from Pop-Up Advertisements in Indonesia." *Lentera Hukum* 8, no. 1 (2021): 73–94; Lira, M.A., Buana, A.P., and Mamonto, M.A.W.W. "Consumer Legal Protection Related to Goods Storage Agreements in Shopping Centers in Realizing Justice." *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 1 (2024): 237–250; Arifin, R., Kambuno, J. A., Waspih, W., & Latifiani, D. (2021). Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia. *Jambura Law Review*, 3, 135-160.

<sup>7</sup> Rehman, N., Masykur, M.H., and Wicaksono, S. "Legal Reform: The Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision)." *Journal of Law and Legal Reform* 5, no. 2 (2024): 655–680; Suryamah, A., Yuanitasari, D., Angela, I.M., and Assalihee, M. "Regulation and Application of the Doctrine of Res Ipsa Loquitur in the Settlement of Consumer Disputes in Indonesia." *Journal of Law and Legal Reform* 5, no. 1 (2024): 237–266.

<sup>8</sup> Harjono, D.K., Panjaitan, H., Soerjadjanegara, M., Kamal, A.H.M., and Suwarno, S. "Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency." *Jurnal Hukum Unissula* 40, no. 1 (2024): 259–271; Hati, S.R.H., and Latip, H.A. "Behind the Curtain of Payday Lending: Revealing Consumer Insights and Ethical Challenges in Indonesia and the USA Using Web-Scraping Methods." *International Journal of Ethics and Systems* 40, no. 2 (2024): 436–452; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer

although scholars highlight various consumer protection issues,<sup>9</sup> they do not delve deeply into the institutional frameworks that support or hinder effective legal enforcement in Indonesia. This gap suggests the need for a comprehensive investigation into how institutional structures, agencies and their roles contribute to or impede the enforcement of consumer protection laws in the country.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology.<sup>10</sup> They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges.

The purpose of this study is to examine the often-overlooked role of institutions in the enforcement of consumer protection law in Indonesia, particularly within the context of globalization and the rapid growth of online marketing. By focusing on the institutional framework, this research aims to assess how various public and private entities contribute to maintaining a balance between consumers and producers in the digital era. While existing studies have primarily concentrated on the legal aspects of consumer protection, this study highlights the practical functions of institutions in educating consumers, supervising business practices, and resolving disputes. The novelty of this study lies in its exploration of the institutional mechanisms that underpin the effectiveness of consumer protection laws, specifically within the framework of Law Number 8 of 1999, and its focus on how these institutions address emerging challenges such as digital consumer rights, monopolistic practices, and the enforcement of fair business practices in an increasingly globalized marketplace.

## Research methods

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the Law Number 11 of 2008 on Electronic Information and Transactions, and Law Number 8 of 1999 concerning Consumer Protection. This study utilizes a secondary data collection method consisting of three categories of

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Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435

<sup>9</sup> Holijah, and Rizal, M. "Islamic Compensation Concept: The Consumer Dispute Settlement Pattern in Indonesia." *Samarah* 6, no. 1 (2022): 98–114; Holijah. "Evidence from the Largest Muslim Country in the World: Legal Culture of Consumers' Dispute Settlement in the Justice System." *Islamic Quarterly* 68, no. 1 (2024): 23–40; Salvia, H., Priowirjanto, E.S., and Suwandono, A. "Operator Responsibilities in Safeguarding Consumer Rights Against GPS Spoofing in Ride-Hailing Services." *Padjadjaran Jurnal Ilmu Hukum* 11, no. 2 (2024): 208–230.

<sup>10</sup> Yasa, I. G. M. O. S., Sudiarmaka, I. K., & Ardhyana, S. N. (2021). Peran Yayasan Lembaga Perlindungan Konsumen Terkait Kerugian Konsumen Ditinjau Berdasarkan Pasal 8 Huruf F Undang–Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus Kerugian Konsumen Terhadap Pembelian Rumah Subsidi di Wilayah Kabupaten Tabanan). *Jurnal Komunitas Yustisia*, 4(2), 322-333.

legal materials: primary and secondary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials and include writings by legal experts, such as books and scientific journals. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## Research result

### ***Legal Frameworks of Consumer Protection in Indonesia***

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect consumers, as realized through Law Number 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and strive to resolve disputes peacefully and fairly.<sup>11</sup> This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company.

Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection.<sup>12</sup> Article 2 of the Consumer Protection Law emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests.<sup>13</sup>

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of

<sup>11</sup> Rahmawati, E., & Abubakar, L. (2019). Peranan Penyelesaian Sengketa Pasar Modal: Suatu Tinjauan Atas Perkara Perdata Terkait Transaksi Repo. *Jurnal Bina Mulia Hukum*, 4(1), 130-149.

<sup>12</sup> Wicaksono, R., Nugroho, A. A., & Agustanti, R. D. (2021). Perlindungan Hukum Terhadap Konsumen Indihome Ditinjau Dari Undang-Undang Perlindungan Konsumen. *Jurnal Ilmiah Penegakan Hukum*, 8(2), 149-159.

<sup>13</sup> Siddiq, N. K., Wahyuddin, W., & Rahmatulloh, J. (2022). Efficiency Of Consumer Dispute Settlement Agency In Consumer Dispute Settlement In Indonesia. *Trunojoyo Law Review*, 4(2), 83-98.

returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions.<sup>14</sup>

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully.<sup>15</sup> A balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere.<sup>16</sup> The application of this principle of justice also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (*Yayasan Lembaga Konsumen Indonesia* /YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications.<sup>17</sup> At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection continued to be postponed, due to the lack of support and support from the Government and the House of Representatives.<sup>18</sup> As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia.<sup>19</sup> Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises and Regional-Owned Enterprises have more or less worsened the embodiment of consumer rights in practice.<sup>20</sup>

Indonesia's legal framework for consumer protection, embodied in Law Number 8 of 1999, serves as a critical foundation for safeguarding consumer rights and promoting economic stability. This law has laid out essential principles aimed at enhancing consumer awareness, improving business accountability, and ensuring

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<sup>14</sup> Indrawati, N. (2014). Penerapan Asas keadilan Dalam Polis Asuransi kendaraan Bermotor dan Perlindungan Konsumen PT. Asuransi Wahana Tata. *Jurnal Ilmu Hukum*, 1-19.

<sup>15</sup> Purwanti, M. N., & Hariri, A. (2022). Perlindungan Hukum bagi Konsumen atas Kelangkaan Minyak Goreng Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum*, 2(1), 1-10.

<sup>16</sup> Tambuwun, T. T. (2020). Peranan Badan Pengawas Obat Dan Makanan (Bpom) Dalam Perlindungan Konsumen Yang Mengandung Zat Berbahaya. *Lex Privatum*, 8(4); Siregar, S. P. (2024). Kepastian Hukum Perlindungan Konsumen Sesuai Dengan Ketentuan Undang-Undang Perlindungan Konsumen. *Journal of Law, Administration, and Social Science*, 4(2), 228-233.

<sup>17</sup> Nugroho, A. (2014). Peranan Yayasan Lembaga Konsumen Indonesia Dalam Membantu Masyarakat yang Dirugikan Akibat Iklan yang Menyesatkan. *Lex Jurnalica*, 11(2), 18086.

<sup>18</sup> Hayati, A. N., & Ginting, A. R. (2021). Analisis Mekanisme Ganti Rugi Pengembalian Dana Dalam Transaksi E-Commerce Ditinjau Dari Hukum Perlindungan Konsumen. *Jurnal Ilmiah Kebijakan Hukum*, 15(3), 509-526.

<sup>19</sup> Yudi, M. R. M. (2016). Peranan Lembaga Penjamin Simpanan Dalam Melindungi Nasabah Bank Menurut UU No. 7 Tahun 2009. *Lex Privatum*, 4(3).

<sup>20</sup> Siswanto, Ari. "State-Owned Enterprises (SOEs) in Indonesian competition law and practice." In *Advancing Rule of Law in a Global Context*, pp. 57-64. CRC Press, 2020.

efficient dispute resolution mechanisms. By promoting a balanced relationship between consumers, businesses, and the government, the law has the potential to foster an environment of mutual respect and fair treatment in consumer transactions. As highlighted by previous research, a well-structured consumer protection law not only protects individual welfare but also contributes to economic growth by fostering trust and encouraging responsible business practices.<sup>21</sup> However, the effectiveness of these legal frameworks is contingent upon the institutional structures in place to enforce them. Despite the established legal principles, significant gaps remain in understanding the role of institutions in ensuring the practical implementation of consumer protection laws in Indonesia, such as the enforcement mechanisms, dispute resolutions, particularly the role of agencies,<sup>22</sup> and institutional frameworks in consumer protection laws, while it making difficult to address emerging challenges such as digital consumer rights and monopolistic practices.<sup>23</sup>

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It would be helpful to have the text proofread by a native speaker or grammar expert to ensure clarity and accuracy.

### **Consumer Protection Law in Safeguarding Consumer Rights and Promoting Fair Business Practices**

The principles of consumer protection existed in the Consumer Protection Law before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW) there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The Commercial Code (*Kitab Undang-Undang Hukum Dagang*/KUHD) also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair

**Commented [s10]:** Please include the Indonesian abbreviations to make it clearer which codes are being referred to.

<sup>21</sup> Prastyanti, R.A., and Sharma, R. "Establishing Consumer Trust Through Data Protection Law as a Competitive Advantage in Indonesia and India." *Journal of Human Rights, Culture and Legal System* 4, no. 2 (2024): 354–390; Fibrianti, N., Santoso, B., Setyowati, R., and Rindyawati, Y. "Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1267–1310.

<sup>22</sup> Harjono, D.K., Panjaitan, H., Soerjadjanegara, M., Kamal, A.H.M., and Suwarno, S. "Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency." *Jurnal Hukum Unissula* 40, no. 1 (2024): 259–271; Rehman, N., Masykur, M.H., and Wicaksono, S. "Legal Reform: The Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision)." *Journal of Law and Legal Reform* 5, no. 2 (2024): 655–680; Priskarini, I.A., Pranoto, and K. Tejomurti. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435.

<sup>23</sup> Rizal, M.S., Yuliati, and S. Hamidah. "Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 68–82; Sukarmi, and Y.T. Permono. "Perlindungan Hukum Konsumen dalam Transaksi Secara Online." *Jurnal Hukum Unissula* 35, no. 1 (2019): 77–100



competition, and others.<sup>24</sup> Even in customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law, various regulations had existed that aimed to protect consumer interests. Although Consumer Protection Law is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang/Perpu*) Number 1 of 1961 concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law, because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. **Historically**, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of consumers in Indonesia.<sup>25</sup> Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number

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<sup>24</sup> Alsharu, A. I., Aldowery, T. F., & Jawad, N. K. M. (2024). Jordanian Legal Provisions for Electronic Commerce: Consumer Protection Perspectives A Comparative Study. *Beijing Law Review*, 15(1), 444-456; Syahrin, M. A. (2020). Konsep Keabsahan Kontrak Elektronik Berdasarkan Hukum Nasional Dan Uncitral Model Law on Electronic Commerce Tahun 1996: Studi Perbandingan Hukum Dan Implikasinya Dalam Hukum Perlindungan Konsumen. *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 9(2), 105-122.

<sup>25</sup> Rosadi, S. D., & Tahira, Z. (2018). Consumer protection in digital economy era: law in Indonesia. *Yustisia Jurnal Hukum*, 7(1), 81.

59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia. In Consumer Protection Law, the aspect of the agreement has an important role although it is not absolute.<sup>26</sup> Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

It is important for consumers to have a good understanding of their rights in order to act critically and independently.<sup>27</sup> This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature.<sup>28</sup> Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions.<sup>29</sup>

Criminal law plays an important role even though it does not explicitly mention "consumers". Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of Consumer Protection Law, the term business actor is defined as "Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic

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<sup>26</sup> Munggaran, S. I., Sudjana, S., & Nugroho, B. D. (2019). Perlindungan Konsumen Terhadap Pencantuman Klausula Baku Dalam Perjanjian. *ACTA Diurnal Jurnal Ilmu Hukum Kenotariatan*, 2(2), 187-199.

<sup>27</sup> Zard, L., & Sears, A. M. (2023). Targeted Advertising and Consumer Protection Law in the EU. *Vanderbilt Journal of Transnational Law*, 56(3); Rhein, Sebastian, and Marc Schmid. "Consumers' awareness of plastic packaging: More than just environmental concerns." *Resources, Conservation and Recycling* 162 (2020): 105063.

<sup>28</sup> Hertanto, A. W. (2007). Aspek-aspek Hukum Perjanjian Distributor dan Keagenan (Suatu Analisis Keperdataan). *Jurnal Hukum & Pembangunan*, 37(3), 381-408.

<sup>29</sup> Wariati, A., & Susanti, N. I. (2014). E-commerce dalam perspektif perlindungan konsumen. *ProBank*, 1(1), 162105.

fields. In Article 1 number (3) of Consumer Protection Law, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law Number 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

This shows that Indonesia's evolving consumer protection landscape reflects both historical legal frameworks and modern legislative advancements. While Consumer Protection Law serves as the central law safeguarding consumer rights, it is clear that earlier regulations, including provisions from the Dutch East Indies era and various national laws, laid the foundation for these protections. The enactment of the Consumer Protection Law in 1999 marked a significant milestone in strengthening consumer rights and ensuring that business actors are held accountable. These legal developments, coupled with supporting regulations such as the Government Regulation Number 57 of 2001, provide a robust framework for both consumers and businesses to navigate the marketplace.<sup>30</sup> Additionally, the complementary role of criminal law in protecting consumers from fraud and unsafe products further underscores the multifaceted approach Indonesia has taken toward consumer protection.

However, despite the comprehensive legal structure, challenges remain in ensuring that these laws are effectively enforced and adapted to modern consumer needs. While some highlight the role of the Consumer Dispute Settlement Agency (BPSK) in overseeing the enforcement of standardized clauses,<sup>31</sup> ongoing efforts are required to address gaps, particularly in the digital economy and emerging sectors. Consumers must also be empowered with better knowledge of their rights,<sup>32</sup> to

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<sup>30</sup> Salvia, M.P., and Putri, L.P.Y.K. "Constitutionality of the Execution of Fiduciary Guarantees within the Framework of Consumer Rights Protection | Konstitusionalitas Eksekusi Jaminan Fidusia dalam Kerangka Perlindungan Hak Konsumen." *Jurnal Konstitusi* 21, no. 2 (2024): 275–291.

<sup>31</sup> Yuanitasari, D., Kusmayanti, H., and Suwandono, A. "A Comparison Study of Strict Liability Principles Implementation for Product Liability within Indonesian Consumer Protection Law Between Indonesia and United States of America Law." *Cogent Social Sciences* 9, no. 2 (2023): 2246748; Yuanitasari, D., and H. Kusmayanti. "The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 425–435.

<sup>32</sup> Fauzansyah, T., A. Yahya, and I. Jauhari. "Legal Protection of Home Buyer Consumer through Sales and Purchase Agreement | Perlindungan Hukum terhadap Konsumen Pembelian Rumah melalui Perjanjian Pengikatan Jual Beli." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 2 (2019): 272–281;

navigate a complex and often opaque marketplace.<sup>33</sup> Some argue, continuous legal reforms, including those addressing consumer rights, will be crucial in adapting to the changing dynamics of consumer protection.<sup>34</sup> By strengthening the role of regulatory bodies and ensuring that both consumers and businesses are equally educated and informed, Indonesia can foster a more just and balanced marketplace.

### ***Strengthening Institutional Roles in Legal Enforcement***

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract lawsuits is based on binding contracts between consumers and producers, both written and oral contracts.<sup>35</sup> The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001.<sup>36</sup> This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

Regarding membership, Consumer Protection Law Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business

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<sup>33</sup> Setyawan, G.I., Kurniawan, and L.W.P. Suhartana. "Legal Protection of Consumer Rights in the Purchase of the Airplane's Passengers Insurance Premiums through Traveloka Sites | Perlindungan Hukum terhadap Hak-Hak Konsumen Penumpang Pesawat Udara dalam Pembelian Premi Asuransi melalui Situs Traveloka." *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 1 (2019): 156–169; Rizal, M.S., Yuliati, and S. Hamidah. "Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online." *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 68–82; Sukarmi, and Y.T. Permono. "Perlindungan Hukum Konsumen dalam Transaksi Secara Online." *Jurnal Hukum Unissula* 35, no. 1 (2019): 77–100; Priskarini, I.A., Pranoto, and K. Tejomurti. "The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 3 (2019): 556–575.

<sup>34</sup> Azizah, M. "Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia." *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 2 (2021): 153–165.

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<sup>36</sup> van Aken, D. (2002). Assessing risks—challenges posed by the European general product safety directive. *Injury control and safety promotion*, 9(3), 151-156.

actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency. These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions.<sup>37</sup> **BPKN** also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, **BPKN** can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the **Consumer Dispute Resolution Agency (BPSK)** or through the courts. Consumer protection, both at the national and international levels as regulated in Consumer Protection Law article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law Number 8 of 1999 concerning Consumer Protection. **LPKSM** aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors.<sup>38</sup> This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, **LPKSM** also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations of consumer rights or detrimental business practices, **LPKSM** can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process.<sup>39</sup>

The role of **LPKSM** is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With **LPKSM**, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards.<sup>40</sup> Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code and the Criminal Code. In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request

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**Commented [s18]:** The abbreviation "Consumer Dispute Resolution Agency (**BPSK**)" is repeated multiple times. Please use it only the first time and then refer to it as "**BPSK**" thereafter.

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<sup>37</sup> Mak, V., & Terryn, E. (2020). Circular economy and consumer protection: The consumer as a citizen and the limits of empowerment through consumer law. *Journal of Consumer Policy*, 43(1), 227-248.

<sup>38</sup> Suryadi, N., Rahmatiar, Y., & Abas, M. (2023). Tinjauan yuridis terhadap keberadaan lembaga perlindungan konsumen swadaya masyarakat di kabupaten karawang berdasarkan undang-undang nomor 8 tahun 1999 tentang perlindungan konsumen. *Jurnal Ilmu Hukum The Juris*, 7(1), 209-219.

<sup>39</sup> Arifin, R., Kambuno, J.A., Waspiyah, and Latifiani, D. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3 (2021): 135-160.

<sup>40</sup> Nurwanto, A., & Hanifah, I. (2022). Tinjauan Yuridis Asas Pacta Sunt Servanda Dalam Perjanjian Pembiayaan Kredit Kendaraan Bermotor (Study Komparatif KUH Perdata Dan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Tentang Perlindungan Konsumen). *Juris Studia: Jurnal Kajian Hukum*, 3(3), 278-287.

compensation for the losses they have suffered. Meanwhile, in the Criminal Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

Overall, the findings showed that the legal responsibility of business actors toward consumers is rooted in the recognition of consumers' vulnerable position in economic transactions. Consumers are often at an informational disadvantage, which makes them highly reliant on the transparency and honesty of business actors.<sup>41</sup> This is compounded by the generally low levels of education within the consumer population, making education and awareness crucial in mitigating exploitation. The role of consumer protection laws, such as those under the Consumer Protection Law and the establishment of bodies like the National Consumer Protection Agency (BPKN), reflects a broader commitment to addressing these issues by ensuring consumers are informed, protected, and able to seek redress. The collaborative efforts between government bodies, non-governmental institutions, and international standards are essential in creating a fair and secure market environment for consumers.

Moreover, the presence of institutions like the Non-Governmental Consumer Protection Institution (LPKSM) further strengthens the consumer protection framework in Indonesia. This institution serves not only as an advocate for consumer rights but also as an active participant in ensuring market compliance with safety and ethical standards. By providing education, legal assistance, and filing lawsuits in cases of violations, LPKSM plays a pivotal role in promoting a healthier market ecosystem.<sup>42</sup> Legal avenues through civil and criminal law also offer consumers the necessary tools to pursue justice when their rights are infringed upon, whether through fraud or unsafe products.<sup>43</sup>

## Conclusion

Consumer protection in Indonesia is crucial for individual welfare and economic growth, as it fosters consumer confidence and promotes responsible business practices. The legal framework, primarily governed by Law Number 8 of 1999, provides a foundation for safeguarding consumer rights, increasing awareness, and encouraging business accountability through principles that guide both consumer and business conduct. However, the effectiveness of this framework depends on robust

<sup>41</sup> Imanuddin, I., Dewi Anggraeni, R.R., Fridayani, and Susanto. "Construction of Consumer Protection Against Illegal Online Loan Transactions As a Means of Ius Constituendum in Indonesia." *Jurnal IUS Kajian Hukum dan Keadilan* 11, no. 3 (2023): 539–556.

<sup>42</sup> Arifin, R., Kambuno, J.A., Waspiyah, and Latifiani, D. "Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia." *Jambura Law Review* 3 (2021): 135–160.

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enforcement mechanisms, institutional roles, and addressing emerging challenges like digital consumer rights and monopolistic practices.

The implementation of legal responsibility for business actors towards consumers highlights the vulnerabilities of consumers, who often face informational disadvantages and lack education, making them highly dependent on business actors for transparency. Institutional roles, such as those of the National Consumer Protection Agency (BPKN) and the Non-Governmental Consumer Protection Institution (LPKSM), are crucial in enforcing consumer protection laws, providing mediation, and ensuring compliance with safety and ethical standards. Through education, advocacy, and legal support, these institutions help protect consumer rights, promote fair business practices, and ensure access to justice, especially in cases involving fraud or unsafe products. Theoretically, the study underscores the importance of strengthening institutional frameworks and legal enforcement to address consumer vulnerabilities in a rapidly evolving market. Practically, it highlights the need for more robust collaboration between government bodies, non-governmental institutions, and legal mechanisms to ensure effective consumer protection, particularly in the face of emerging challenges like digital transactions and globalized business practices.

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## INSTITUTIONAL ROLES AND MECHANISMS IN UPHOLDING LEGAL PROTECTION UNDER CONSUMER PROTECTION LAW IN THE ERA OF GLOBALIZATION

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### ARTICLE INFO

**Keywords:**

Consumer Protection Law, Globalization, Consumer Protection Institutions, Legal Harmonization, Consumer Disputes.

**DOI:**

10.26532/jh.v40i2.40717

### ABSTRACT

Consumer protection law is essential in safeguarding rights against fraud and unfair practices, relying on both private institutions and governmental enforcement. This study aims to analyze the legal frameworks of consumer protection in Indonesia. It also examines the roles of institutions in the legal enforcement of consumer protection, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law Number 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions, such as National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional* or BPKN), Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat* or LPKSM), Consumer Dispute Resolution Agency (*Badan Penyelesaian Sengketa Konsumen* or BPSK), in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

## 1. Introduction

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and

quickly.<sup>1</sup> In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization.<sup>2</sup> Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.<sup>3</sup>

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions.<sup>4</sup> This situation adds a new layer of complexity to consumer protection. Consumers are faced with new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach.<sup>5</sup> By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Previous studies have examined various aspects of consumer protection law, such as data protection, consumer dispute resolution, and product liability.<sup>6</sup> However,

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<sup>1</sup> Ridwan Arifin, Juan Anthonio Kambuno, Waspiah Waspiah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.137. See too, Aras Firdaus, and Jelly Leviza., Pancasila Ideology in Challenges of Globalization on Mineral and Coal Law in Indonesia, *Journal of Law and Sustainable Development*, Vol.11, no.11, 2023, page.1148.

<sup>2</sup> Emei Dwinanarhati Setiamandani., Kemandirian Konsumen di Era Globalisasi dan Perdagangan Bebas (Kajian Mengenai Undang-undang Perlindungan Konsumen No. 8 Tahun 1999 terhadap Perlindungan Hak-hak Konsumen), *Widya Yuridika*, Vol.1, no.1, 2028, page.234796.

<sup>3</sup> Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi Bpsk (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku Dalam Sistem Hukum Perlindungan Konsumen Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.429. See too, Shuili Du and Chunyan Xie., Paradoxes of artificial intelligence in consumer markets: Ethical challenges and opportunities, *Journal of Business Research*, Vol.129, 2021, page.970. See too, Mary J. Culnan and Robert J. Bies., Consumer privacy: Balancing economic and justice considerations, *Journal of social issues*, Vol.59, no.2, 2003, page.339.

<sup>4</sup> Howell E. Jackson and Paul Rothstein., The Analysis of Benefits in Consumer Protection Regulation, *Harvard Business Law Review*, Vol.9, 2019, page.199.

<sup>5</sup> Intan Audia Priskarini and Kukuh Tejomurti., The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia, *Padjadjaran Journal of Law*, Vol.6, no.3, 2019, page.573.

<sup>6</sup> Rina Arum Prastyanti, Eiad Yafi, Kelik Wardiono, and Arief Budiono., The Legal Aspect of Consumers' Protection from Pop-Up Advertisements in Indonesia, *Lentera Hukum*, Vol.8, 2021, page.73. See too, M. Adnan Lira, Andika Prawira Buana, and Moch Andry Wikra Wardhana

to the best of our knowledge, there is a research gap concerning the institutional roles in consumer protection law in Indonesia. While some research discusses legal reforms and mechanisms for consumer protection,<sup>7</sup> few have focused on the role of institutions in enforcing these laws. Institutional structures and their impact on enforcement remain underexplored. The significance of consumer dispute resolution agencies and their roles in safeguarding consumer rights is largely overlooked.<sup>8</sup> Furthermore, although scholars highlight various consumer protection issues,<sup>9</sup> they do not delve deeply into the institutional frameworks that support or hinder effective legal enforcement in Indonesia. This gap suggests the need for a comprehensive investigation into how institutional structures, agencies and their roles contribute to or impede the enforcement of consumer protection laws in the country.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology.<sup>10</sup> They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges.

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Mamonto., Consumer Legal Protection Related to Goods Storage Agreements in Shopping Centers in Realizing Justice, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.12, no.1, 2024, page.247. See too, Ridwan Arifin, Juan Anthonio Kambuno, Waspiyah Waspiyah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.153.

<sup>7</sup> Nayila Rehman, M. Hamidi Masykur, and Setiawan Wicaksono., Legal Reform the Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision), *Journal of Law and Legal Reform*, Vol.5, no.2, 2024, page.671. See too, Aam Suryamah, Deviana Yuanitasari, Irene Maria Angela, and Muhammadafeefee Assalihee., Regulation and Application of the Doctrine of Res Ipsa Loquitur in the Settlement of Consumer Disputes in Indonesia, *Journal of Law and Legal Reform*, Vol.5, no.1, 2024, page.252.

<sup>8</sup> Dhaniswara K. Harjono, Hulman Panjaitan, Moermahadi Soerjadjanegara, Abu Hena Mostofa Kamal, and Suwarno Suwarno., Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency, *Jurnal Hukum*, Vol.40, no.1, 2024, page.266. See too, Sri Rahayu Hijrah Hati and Hamrila Abdul Latip., Behind the curtain of payday lending: revealing consumer insights and ethical challenges in Indonesia and the USA using web-scraping methods, *International Journal of Ethics and Systems*, Vol.40, no.2, 2024, page.449. See too, Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi Bpsk (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku Dalam Sistem Hukum Perlindungan Konsumen Indonesi, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.429.

<sup>9</sup> Holijah and M. Rizal., Islamic compensation concept: The consumer dispute settlement pattern in Indonesia, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, Vol.6, no.1, 2022, page.99. See too, Holijah., Evidence from the Largest Muslim Country in the World: Legal Culture of Consumers' Dispute Settlement in the Justice System, *Islamic Quarterly*, Vol.68, no.1, 2024, page.32.

<sup>10</sup> I. Gst Made Oka Sedana Yasa, I. Ketut Sudiatmaka, and Si Ngurah Ardhya., Peran Yayasan Lembaga Perlindungan Konsumen Terkait Kerugian Konsumen Ditinjau Berdasarkan Pasal 8 Huruf F Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus Kerugian Konsumen Terhadap Pembelian Rumah Subsidi di Wilayah Kabupaten Tabanan), *Jurnal Komunitas Yustisia*, Vol.4, no.2, 2021, page.327.

The purpose of this study is to examine the often-overlooked role of institutions in the enforcement of consumer protection law in Indonesia, particularly within the context of globalization and the rapid growth of online marketing. By focusing on the institutional framework, this research aims to assess how various public and private entities contribute to maintaining a balance between consumers and producers in the digital era. While existing studies have primarily concentrated on the legal aspects of consumer protection, this study highlights the practical functions of institutions in educating consumers, supervising business practices, and resolving disputes. The novelty of this study lies in its exploration of the institutional mechanisms that underpin the effectiveness of consumer protection laws, specifically within the framework of Law Number 8 of 1999, and its focus on how these institutions address emerging challenges such as digital consumer rights, monopolistic practices, and the enforcement of fair business practices in an increasingly globalized marketplace.

## **2. Research Methods**

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the Law Number 11 of 2008 on Electronic Information and Transactions, and Law Number 8 of 1999 concerning Consumer Protection. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary and secondary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials and include writings by legal experts, such as books and scientific journals. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## **3. Research Result**

### **3.1. Legal Frameworks of Consumer Protection in Indonesia**

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect consumers, as realized through Law Number 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and

strive to resolve disputes peacefully and fairly.<sup>11</sup> This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company. Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection.<sup>12</sup> Article 2 of the Consumer Protection Law emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests.<sup>13</sup>

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions.<sup>14</sup>

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully.<sup>15</sup> A balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere.<sup>16</sup> The application of this principle of justice

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<sup>11</sup> Ema Rahmawati and Lastuti Abubakar., Peranan Penyelesaian Sengketa Pasar Modal: Suatu Tinjauan Atas Perkara Perdata Terkait Transaksi Repo, *Jurnal Bina Mulia Hukum*, Vol.4, no.1, 2019. Page.145.

<sup>12</sup> Raka Wicaksono, Andriyanto Adhi Nugroho, and Rosalia Dika Agustanti., Perlindungan Hukum Terhadap Konsumen Indihome Ditinjau Dari Undang-Undang Perlindungan Konsumen, *Jurnal Ilmiah Penegakan Hukum*, Vol.8, no.2, 2021, page.151.

<sup>13</sup> Nakzim Khalid Siddiq, Wahyuddin Wahyuddin, and Johan Rahmatulloh., Efficiency of Consumer Dispute Settlement Agency in Consumer Dispute Settlement in Indonesia, *Trunojoyo Law Review*, Vol.4, no.2, 2022, page.91.

<sup>14</sup> Nanda Indrawati., Penerapan Asas keadilan Dalam Polis Asuransi kendaraan Bermotor dan Perlindungan Konsumen PT. Asuransi Wahana Tata, *Jurnal Ilmu Hukum*, Vol.5, no.2, 2014, page.11.

<sup>15</sup> Maya Novira Purwanti, and Achmad Hariri., Perlindungan Hukum bagi Konsumen atas Kelangkaan Minyak Goreng Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum*, Vol.2, no.1, 2022, page.7.

<sup>16</sup> Tyrsa Tesalonika Tambuwun., Peranan Badan Pengawas Obat Dan Makanan (Bpom) Dalam Perlindungan Konsumen Yang Mengandung Zat Berbahaya, *Lex Privatum*, Vol.8, no.4, 2020, page.121. See too, Sutan Pinayungan Siregar., Kepastian Hukum Perlindungan Konsumen Sesuai

also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (*Yayasan Lembaga Konsumen Indonesia* or YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications.<sup>17</sup> At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection continued to be postponed, due to the lack of support and support from the Government and the House of Representatives.<sup>18</sup> As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia.<sup>19</sup> Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises and Regional-Owned Enterprises have more or less worsened the embodiment of consumer rights in practice.<sup>20</sup>

Indonesia's legal framework for consumer protection, embodied in Law Number 8 of 1999, serves as a critical foundation for safeguarding consumer rights and promoting economic stability. This law has laid out essential principles aimed at enhancing consumer awareness, improving business accountability, and ensuring efficient dispute resolution mechanisms. By promoting a balanced relationship between consumers, businesses, and the government, the law has the potential to foster an environment of mutual respect and fair treatment in consumer transactions. As highlighted by previous research, a well-structured consumer protection law not only protects individual welfare but also contributes to economic growth by fostering trust and encouraging responsible business practices.<sup>21</sup> However, the effectiveness of these legal frameworks is contingent upon the institutional structures in place to enforce them. Despite the established legal principles, significant gaps remain in understanding the role of institutions in ensuring the practical implementation of consumer protection laws in Indonesia, such as the enforcement mechanisms, dispute resolutions particularly the role of

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Dengan Ketentuan Undang-Undang Perlindungan Konsumen, *Journal of Law, Administration, and Social Science*, Vol.4, no.2, 2024, page.231.

<sup>17</sup> Agung Nugroho., Peranan Yayasan Lembaga Konsumen Indonesia Dalam Membantu Masyarakat yang Dirugikan Akibat Iklan yang Menyesatkan, *Lex Jurnalica*, Vol.11, no.2, 2014, page.18086.

<sup>18</sup> Adis Nur Hayati, and Antonio Rajoli Ginting., Analisis Mekanisme Ganti Rugi Pengembalian Dana Dalam Transaksi E-Commerce Ditinjau Dari Hukum Perlindungan Konsumen, *Jurnal Ilmiah Kebijakan Hukum*, Vol.15, no.3, 2021, page.521.

<sup>19</sup> Monareh Regina Merine Yudi., Peranan Lembaga Penjamin Simpanan Dalam Melindungi Nasabah Bank Menurut UU No. 7 Tahun 2009, *Lex Privatum*, Vol.4, no.3, 2016, page.209.

<sup>20</sup> Ari Siswanto., State-Owned Enterprises (SOEs) in Indonesian competition law and practice, In *Advancing Rule of Law in a Global Context*, pp. 57-64. Florida, CRC Press, 2020, page.154.

<sup>21</sup> Rina Arum Prastyanti and Ridhima Sharma., Establishing Consumer Trust Through Data Protection Law as a Competitive Advantage in Indonesia and India, *Journal of Human Rights, Culture and Legal System*, Vol.4, no.2, 2024, page.371. See too, Nurul Fibrianti, Budi Santoso, Ro'fah Setyowati, and Yuli Rindyawati., Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws, *Journal of Indonesian Legal Studies*, Vol.8, no.2, 2023, page.1301.

agencies,<sup>22</sup> and institutional frameworks in consumer protection laws, while it making difficult to address emerging challenges such as digital consumer rights and monopolistic practices.<sup>23</sup>

### **3.2. Consumer Protection Law in Safeguarding Consumer Rights and Promoting Fair Business Practices**

The principles of consumer protection existed in the Consumer Protection Law before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW) there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The Commercial Code (*Kitab Undang-Undang Hukum Dagang* or KUHD) also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others.<sup>24</sup> Even in customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law, various regulations had existed that aimed to protect consumer interests. Although Consumer Protection Law is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang* or PERPU) Number 1 of 1961

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<sup>22</sup> Dhaniswara K. Harjono., Hulman Panjaitan, Moermahadi Soerjadjanegara, Abu Hena Mostofa Kamal, and Suwarno Suwarno., Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency, *Jurnal Hukum*, Vol.40, no.1, 2024, page.259. See too, Nayila Rehman, M. Hamidi Masykur, and Setiawan Wicaksono., Legal Reform the Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision), *Journal of Law and Legal Reform*, Vol.5, no.2, 2024, page.659. See too, Intan Audia Priskarini, and Kuku Tejomurti., The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia, *Padjadjaran Jurnal Ilmu Hukum*, Vol.6, no.3, 2019, page.565. See too, Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.431.

<sup>23</sup> Muhammad Saiful Rizal, Yuliati Yuliati, and Siti Hamidah., Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online, *Legality: Jurnal Ilmiah Hukum*, Vol.27, no.1, 2019, page.79. See too, Sukarmi, and Yudhi Tri Permono., Perlindungan Hukum Konsumen Dalam Transaksi Secara Online, *Jurnal Hukum*, Vol.35, no.1, 2019, page.87.

<sup>24</sup> Ahmad Ibrahim Alsharu, Tasnim Fakri Aldowery, and Nidaa Kadhim Mohammed Jawad., Jordanian Legal Provisions for Electronic Commerce: Consumer Protection Perspectives—A Comparative Study, *Beijing Law Review*, Vol.15, no.1, 2024, page.449. See too, Muhammad Alvi Syahrin., Konsep Keabsahan Kontrak Elektronik Berdasarkan Hukum Nasional Dan Uncitral Model Law on Electronic Commerce Tahun 1996: Studi Perbandingan Hukum Dan Implikasinya Dalam Hukum Perlindungan Konsumen, *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, Vol.9, no.2, 2020, page.121.



concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law, because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. Historically, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of consumers in Indonesia.<sup>25</sup> Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia. In Consumer Protection Law, the aspect of the agreement has an important role although it is not absolute.<sup>26</sup> Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

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<sup>25</sup> Sinta Dewi Rosadi and Zahra Tahira., Consumer protection in digital economy era: law in Indonesia, *Yustisia Jurnal Hukum*, Vol.7, no.1, 2018, page.81.

<sup>26</sup> Sekararum Intan Munggaran, Sudjana Sudjana, and Bambang Daru Nugroho., Perlindungan Konsumen Terhadap Pencantuman Klausula Baku Dalam Perjanjian, *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan*, Vol.2, no.2, 2019, page.189.

It is important for consumers to have a good understanding of their rights in order to act critically and independently.<sup>27</sup> This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature.<sup>28</sup> Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions.<sup>29</sup>

Criminal law plays an important role even though it does not explicitly mention "consumers". Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of Consumer Protection Law, the term business actor is defined as "Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of Consumer Protection Law, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law Number 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal

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<sup>27</sup> Lex Zard and Alan M. Sears., Targeted Advertising and Consumer Protection Law in the EU, *Vanderbilt Journal of Transnational Law*, Vol.56, no.3, 2023, page.43. See too, Sebastian Rhein and Marc Schmid., Consumers' awareness of plastic packaging: More than just environmental concerns, *Resources, Conservation and Recycling*, Vol.162, 2020, page.105063.

<sup>28</sup> Ari Wahyudi Hertanto., Aspek-aspek Hukum Perjanjian Distributor dan Keagenan (Suatu Analisis Keperdataan), *Jurnal Hukum & Pembangunan*, Vol.37, no.3, 2007, page.3921.

<sup>29</sup> Ambar Wariati and Nani Irma Susanti., E-commerce dalam perspektif perlindungan konsumen, *ProBank*, Vol.1, no.1, 2014, page.162105.

settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

This shows that Indonesia's evolving consumer protection landscape reflects both historical legal frameworks and modern legislative advancements. While Consumer Protection Law serves as the central law safeguarding consumer rights, it is clear that earlier regulations, including provisions from the Dutch East Indies era and various national laws, laid the foundation for these protections. The enactment of the Consumer Protection Law in 1999 marked a significant milestone in strengthening consumer rights and ensuring that business actors are held accountable. These legal developments, coupled with supporting regulations such as the Government Regulation Number 57 of 2001, provide a robust framework for both consumers and businesses to navigate the marketplace.<sup>30</sup> Additionally, the complementary role of criminal law in protecting consumers from fraud and unsafe products further underscores the multifaceted approach Indonesia has taken toward consumer protection.

However, despite the comprehensive legal structure, challenges remain in ensuring that these laws are effectively enforced and adapted to modern consumer needs. While some highlight the role of the Consumer Dispute Settlement Agency (*Badan Penyelesaian Sengketa Konsumen* or BPSK) in overseeing the enforcement of standardized clauses,<sup>31</sup> ongoing efforts are required to address gaps, particularly in the digital economy and emerging sectors. Consumers must also be empowered with better knowledge of their rights,<sup>32</sup> to navigate a complex and often opaque marketplace.<sup>33</sup> Some argue, continuous legal reforms, including

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<sup>30</sup> Merva Putri Salvia and Luh Putu Yeyen Karista Putri., Constitutionality of the Execution of Fiduciary Guarantees within the Framework of Consumer Rights Protection | Konstitusionalitas Eksekusi Jaminan Fidusia dalam Kerangka Perlindungan Hak Konsumen, *Jurnal Konstitusi*, Vol.21, no.2, 2024, page.287.

<sup>31</sup> Deviana Yuanitasari, Hazar Kusmayanti, and Agus Suwandono., A comparison study of strict liability principles implementation for the product liability within Indonesian consumer protection law between Indonesia and United States of America law, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.2246748. See too, Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.429.

<sup>32</sup> T. Fauzansyah, Azhari Yahya, and Iman Jauhari., Legal Protection of Home Buyer Consumer through Sales and Purchase Agreement | Perlindungan Hukum terhadap Konsumen Pembelian Rumah melalui Perjanjian Pengikatan Jual Beli, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.2, 2019, page.279. See too, Rahmi Dewanty Palangkey, A. Qadir Gassing, Kasjim Salenda, Marilang Marilang, and Tabhan Syamsu Rijal., Analysis of Islamic Law on Consumer Protection in Hajj and Umrah Business in Indonesia | Analisis Hukum Islam terhadap Perlindungan Konsumen dalam Bisnis Haji dan Umrah di Indonesia, *Al-'Adalah*, Vol.18, no.1, 2021, page.121.

<sup>33</sup> Gannis Indra Setyawan, Kurniawan Kurniawan, and Lalu Wira Pria Suhartana., Legal Protection of Consumer Rights in the Purchase of the Airplane's Passengers Insurance Premiums through Traveloka Sites | Perlindungan Hukum terhadap Hak-Hak Konsumen Penumpang Pesawat Udara dalam Pembelian Premi Asuransi melalui Situs Traveloka, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.1, 2019, page.159. See too, Muhammad Saiful Rizal, Yuliati Yuliati, and Siti Hamidah., Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause |

those addressing consumer rights, will be crucial in adapting to the changing dynamics of consumer protection.<sup>34</sup> By strengthening the role of regulatory bodies and ensuring that both consumers and businesses are equally educated and informed, Indonesia can foster a more just and balanced marketplace.

### **3.3. Strengthening Institutional Roles in Legal Enforcement**

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract lawsuits is based on binding contracts between consumers and producers, both written and oral contracts.<sup>35</sup> The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001.<sup>36</sup> This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

Regarding membership, Consumer Protection Law Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency. These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

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Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online, *Legality: Jurnal Ilmiah Hukum*, Vol.27, no.1, 2019, page.72. See too, Sukarmi and Yudhi Tri Permono., Perlindungan Hukum Konsumen Dalam Transaksi Secara Online, *Jurnal Hukum*, Vol.35, no.1, 2019, page.79. See too, Intan Audia Priskarini and Kukuh Tejomurti., The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia, *Padjadjaran Jurnal Ilmu Hukum*, Vol.6, no.3, 2019, page.561.

<sup>34</sup> Mabarroh Azizah., Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia, *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, Vol.4, no.2, 2021, page.165.

<sup>35</sup> Dewi Sulistianingsih, Christian Chandra Wijaya, Rahmawati Mohd Yusoff, and Yuli Prasetyo Adhi., Juridical Consequences of Anticipatory Breach as a Form of Breach of a Contract, *Journal of Indonesian Legal Studies*, Vol.9, no.1, 2024, page.198.

<sup>36</sup> Dirk, van Aken., Assessing risks—challenges posed by the European general product safety directive, *Injury control and safety promotion*, Vol.9, no.3, 2002, page.152.

Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions.<sup>37</sup> National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional* or BPKN) also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the BPSK or through the courts. Consumer protection, both at the national and international levels as regulated in Consumer Protection Law article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law Number 8 of 1999 concerning Consumer Protection. Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat* or LPKSM) aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors.<sup>38</sup> This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process.<sup>39</sup>

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards.<sup>40</sup> Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code and the Criminal Code. In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal

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<sup>37</sup> Vanessa Mak, and Evelyne Terryn., Circular economy and consumer protection: The consumer as a citizen and the limits of empowerment through consumer law, *Journal of Consumer Policy*, Vol.43, no.1, 2020, page.229.

<sup>38</sup> Narya Suryadi, Yuniar Rahmatiar, and Muhamad Abas., Tinjauan yuridis terhadap keberadaan lembaga perlindungan konsumen swadaya masyarakat di kabupaten karawang berdasarkan undang-undang nomor 8 tahun 1999 tentang perlindungan konsumen, *Jurnal Ilmu Hukum the Juris*, Vol.7, no.1, 2023, page.215.

<sup>39</sup> Ridwan Arifin, Juan Anthonio Kambuno, Waspiah Waspiah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.151.

<sup>40</sup> Arie Nurwanto, and Ida Hanifah., Tinjauan Yuridis Asas Pacta Sunt Servanda Dalam Perjanjian Pembiayaan Kredit Kendaraan Bermotor (Study Komparatif KUH Perdata Dan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Tentang Perlindungan Konsumen), *Juris Studia: Jurnal Kajian Hukum*, Vol.3, no.3, 2022, page.281.

Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

Overall, the findings showed that the legal responsibility of business actors toward consumers is rooted in the recognition of consumers' vulnerable position in economic transactions. Consumers are often at an informational disadvantage, which makes them highly reliant on the transparency and honesty of business actors.<sup>41</sup> This is compounded by the generally low levels of education within the consumer population, making education and awareness crucial in mitigating exploitation. The role of consumer protection laws, such as those under the Consumer Protection Law and the establishment of bodies like the BPKN, reflects a broader commitment to addressing these issues by ensuring consumers are informed, protected, and able to seek redress. The collaborative efforts between government bodies, non-governmental institutions, and international standards are essential in creating a fair and secure market environment for consumers.

Moreover, the presence of institutions like the LPKSM further strengthens the consumer protection framework in Indonesia. This institution serves not only as an advocate for consumer rights but also as an active participant in ensuring market compliance with safety and ethical standards. By providing education, legal assistance, and filing lawsuits in cases of violations, LPKSM plays a pivotal role in promoting a healthier market ecosystem.<sup>42</sup> Legal avenues through civil and criminal law also offer consumers the necessary tools to pursue justice when their rights are infringed upon, whether through fraud or unsafe products.<sup>43</sup>

#### **4. Conclusion**

Consumer protection in Indonesia is crucial for individual welfare and economic growth, as it fosters consumer confidence and promotes responsible business practices. The legal framework, primarily governed by Law Number 8 of 1999, provides a foundation for safeguarding consumer rights, increasing awareness, and encouraging business accountability through principles that guide both consumer and business conduct. However, the effectiveness of this framework depends on robust enforcement mechanisms, institutional roles, and addressing

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<sup>41</sup> I. Imanuddin, Dewi Anggraeni, R.R., Fridayani, and Susanto., Construction of Consumer Protection Against Illegal Online Loan Transactions as a Means of Ius Constituendum in Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.11, no.3, 2023, page.5396.

<sup>42</sup> Ridwan Arifin, Juan Anthonio Kambuno, Wasipah Wasipah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.145.

<sup>43</sup> Ika Atikah., Consumer rights protection against price gouging during the covid-19 pandemic in Indonesia, *UUM Journal of Legal Studies (UUMJLS)*, Vol.13, no.2, 2022, page.128. See too, Safina Callistamalva Arindrajaya., Legal Protection Against Cryptocurrency Investors: Overview of Indonesian Consumer Protection Law, *Journal of Human Rights, Culture and Legal System*, Vol.2, no.2, 2022, page.117. See too, Galasintu, Sareeya, and Chanakant Loveera., The comparative study on consumer protection laws in ASEAN, *Kasetsart Journal of Social Sciences*, Vol.42, no.4, 2021, page.805. See too, Mabarroh Azizah., Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia, *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, Vol.4, no.2, 2021, page.159. See too, Rusnaldi Salim., Perlindungan Konsumen dalam Kepailitan, *Jurnal Hukum*, Vol.36, no.1, 2020, page.28. See too, Ramlan, and Nahrowi., Halâl Certification as an Application of Islamic Business Ethics in Muslim Consumer Protection | Sertifikasi Halal sebagai Penerapan Etika Bisnis Islami dalam Upaya Perlindungan bagi Konsumen Muslim, *Ahkam: Jurnal Ilmu Syariah*, Vol.14, no.1, 2014, page.145.

emerging challenges like digital consumer rights and monopolistic practices.

The implementation of legal responsibility for business actors towards consumers highlights the vulnerabilities of consumers, who often face informational disadvantages and lack education, making them highly dependent on business actors for transparency. Institutional roles, such as those of the BPKN and the LPKSM, are crucial in enforcing consumer protection laws, providing mediation, and ensuring compliance with safety and ethical standards. Through education, advocacy, and legal support, these institutions help protect consumer rights, promote fair business practices, and ensure access to justice, especially in cases involving fraud or unsafe products. Theoretically, the study underscores the importance of strengthening institutional frameworks and legal enforcement to address consumer vulnerabilities in a rapidly evolving market. Practically, it highlights the need for more robust collaboration between government bodies, non-governmental institutions, and legal mechanisms to ensure effective consumer protection, particularly in the face of emerging challenges like digital transactions and globalized business practices.

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## Article Has Been Published - ID: 40717

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## INSTITUTIONAL ROLES AND MECHANISMS IN UPHOLDING LEGAL PROTECTION UNDER CONSUMER PROTECTION LAW IN THE ERA OF GLOBALIZATION

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### ARTICLE INFO

**Keywords:**

Consumer Protection Law, Globalization, Consumer Protection Institutions, Legal Harmonization, Consumer Disputes.

**DOI:**

10.26532/jh.v40i2.40717

### ABSTRACT

Consumer protection law is essential in safeguarding rights against fraud and unfair practices, relying on both private institutions and governmental enforcement. This study aims to analyze the legal frameworks of consumer protection in Indonesia. It also examines the roles of institutions in the legal enforcement of consumer protection, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law Number 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions, such as National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional* or BPKN), Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat* or LPKSM), Consumer Dispute Resolution Agency (*Badan Penyelesaian Sengketa Konsumen* or BPSK), in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

## 1. Introduction

The era of globalization has brought major changes in various aspects of life, including the trade and consumer protection sectors. With the increasingly open global market, the flow of goods and services across national borders has become increasingly rapid and complex. This condition provides a huge opportunity for consumers to access various products from all over the world more easily and

quickly.<sup>1</sup> In this context, consumer protection is a very crucial and urgent issue to be addressed. Consumer protection laws need to continue to develop and adapt to face the ever-changing dynamics of globalization.<sup>2</sup> Not only does it cover aspects of regulation and supervision, but it also includes consumer education, institutional strengthening, and international cooperation. Consumer protection in the era of globalization is not only the responsibility of the government, but also involves the active role of various stakeholders, including non-governmental organizations, business actors, and society as a whole. Synergy between these various parties is needed to create a fair and safe trading environment for consumers.<sup>3</sup>

The development of information and communication technology has changed the way consumers interact with the market. E-commerce and digital platforms have become the main channels through which consumers can make transactions.<sup>4</sup> This situation adds a new layer of complexity to consumer protection. Consumers are faced with new challenges such as online fraud, privacy violations, and misuse of personal data. Consumer protection laws must be able to answer these challenges with an innovative and adaptive approach.<sup>5</sup> By understanding this, it is very clear that consumer protection must be seen as a key element in maintaining fairness and balance in the global market. In the context of international trade, the existence of strong and effective regulations is very important to protect consumer rights and ensure that products in circulation meet established safety and quality standards. They can understand their rights and know the steps to take if they feel disadvantaged. Therefore, comprehensive and continuous education programs are needed to increase consumer awareness and knowledge.

Previous studies have examined various aspects of consumer protection law, such as data protection, consumer dispute resolution, and product liability.<sup>6</sup> However,

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<sup>1</sup> Ridwan Arifin, Juan Anthonio Kambuno, Waspiah Waspiah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.137. See too, Aras Firdaus, and Jelly Leviza., Pancasila Ideology in Challenges of Globalization on Mineral and Coal Law in Indonesia, *Journal of Law and Sustainable Development*, Vol.11, no.11, 2023, page.1148.

<sup>2</sup> Emei Dwinanarhati Setiamandani., Kemandirian Konsumen di Era Globalisasi dan Perdagangan Bebas (Kajian Mengenai Undang-undang Perlindungan Konsumen No. 8 Tahun 1999 terhadap Perlindungan Hak-hak Konsumen), *Widya Yuridika*, Vol.1, no.1, 2028, page.234796.

<sup>3</sup> Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi Bpsk (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku Dalam Sistem Hukum Perlindungan Konsumen Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.429. See too, Shuili Du and Chunyan Xie., Paradoxes of artificial intelligence in consumer markets: Ethical challenges and opportunities, *Journal of Business Research*, Vol.129, 2021, page.970. See too, Mary J. Culnan and Robert J. Bies., Consumer privacy: Balancing economic and justice considerations, *Journal of social issues*, Vol.59, no.2, 2003, page.339.

<sup>4</sup> Howell E. Jackson and Paul Rothstein., The Analysis of Benefits in Consumer Protection Regulation, *Harvard Business Law Review*, Vol.9, 2019, page.199.

<sup>5</sup> Intan Audia Priskarini and Kukuh Tejomurti., The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia, *Padjadjaran Journal of Law*, Vol.6, no.3, 2019, page.573.

<sup>6</sup> Rina Arum Prastyanti, Eiad Yafi, Kelik Wardiono, and Arief Budiono., The Legal Aspect of Consumers' Protection from Pop-Up Advertisements in Indonesia, *Lentera Hukum*, Vol.8, 2021, page.73. See too, M. Adnan Lira, Andika Prawira Buana, and Moch Andry Wikra Wardhana

to the best of our knowledge, there is a research gap concerning the institutional roles in consumer protection law in Indonesia. While some research discusses legal reforms and mechanisms for consumer protection,<sup>7</sup> few have focused on the role of institutions in enforcing these laws. Institutional structures and their impact on enforcement remain underexplored. The significance of consumer dispute resolution agencies and their roles in safeguarding consumer rights is largely overlooked.<sup>8</sup> Furthermore, although scholars highlight various consumer protection issues,<sup>9</sup> they do not delve deeply into the institutional frameworks that support or hinder effective legal enforcement in Indonesia. This gap suggests the need for a comprehensive investigation into how institutional structures, agencies and their roles contribute to or impede the enforcement of consumer protection laws in the country.

Institutions responsible for supervision and law enforcement must have adequate capacity, both in terms of human resources and technology.<sup>10</sup> They must be able to respond quickly and effectively to consumer complaints and carry out proactive supervision of products circulating in the market. International cooperation is also an important component, given the large number of products that cross national borders. Countries need to work together in harmonizing standards, exchanging information, and enforcing laws across borders to address global challenges.

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Mamonto., Consumer Legal Protection Related to Goods Storage Agreements in Shopping Centers in Realizing Justice, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.12, no.1, 2024, page.247. See too, Ridwan Arifin, Juan Anthonio Kambuno, Waspiyah Waspiyah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.153.

<sup>7</sup> Nayila Rehman, M. Hamidi Masykur, and Setiawan Wicaksono., Legal Reform the Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision), *Journal of Law and Legal Reform*, Vol.5, no.2, 2024, page.671. See too, Aam Suryamah, Deviana Yuanitasari, Irene Maria Angela, and Muhammadafeefee Assalihee., Regulation and Application of the Doctrine of Res Ipsa Loquitur in the Settlement of Consumer Disputes in Indonesia, *Journal of Law and Legal Reform*, Vol.5, no.1, 2024, page.252.

<sup>8</sup> Dhaniswara K. Harjono, Hulman Panjaitan, Moermahadi Soerjadjanegara, Abu Hena Mostofa Kamal, and Suwarno Suwarno., Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency, *Jurnal Hukum*, Vol.40, no.1, 2024, page.266. See too, Sri Rahayu Hijrah Hati and Hamrila Abdul Latip., Behind the curtain of payday lending: revealing consumer insights and ethical challenges in Indonesia and the USA using web-scraping methods, *International Journal of Ethics and Systems*, Vol.40, no.2, 2024, page.449. See too, Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi Bpsk (Badan Penyelesaian Sengketa Konsumen) Dalam Pengawasan Pencantuman Klausula Baku Dalam Sistem Hukum Perlindungan Konsumen Indonesi, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.429.

<sup>9</sup> Holijah and M. Rizal., Islamic compensation concept: The consumer dispute settlement pattern in Indonesia, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, Vol.6, no.1, 2022, page.99. See too, Holijah., Evidence from the Largest Muslim Country in the World: Legal Culture of Consumers' Dispute Settlement in the Justice System, *Islamic Quarterly*, Vol.68, no.1, 2024, page.32.

<sup>10</sup> I. Gst Made Oka Sedana Yasa, I. Ketut Sudiatmaka, and Si Ngurah Ardhya., Peran Yayasan Lembaga Perlindungan Konsumen Terkait Kerugian Konsumen Ditinjau Berdasarkan Pasal 8 Huruf F Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus Kerugian Konsumen Terhadap Pembelian Rumah Subsidi di Wilayah Kabupaten Tabanan), *Jurnal Komunitas Yustisia*, Vol.4, no.2, 2021, page.327.



The purpose of this study is to examine the often-overlooked role of institutions in the enforcement of consumer protection law in Indonesia, particularly within the context of globalization and the rapid growth of online marketing. By focusing on the institutional framework, this research aims to assess how various public and private entities contribute to maintaining a balance between consumers and producers in the digital era. While existing studies have primarily concentrated on the legal aspects of consumer protection, this study highlights the practical functions of institutions in educating consumers, supervising business practices, and resolving disputes. The novelty of this study lies in its exploration of the institutional mechanisms that underpin the effectiveness of consumer protection laws, specifically within the framework of Law Number 8 of 1999, and its focus on how these institutions address emerging challenges such as digital consumer rights, monopolistic practices, and the enforcement of fair business practices in an increasingly globalized marketplace.

## **2. Research Methods**

This study uses a normative legal research method to analyze laws, doctrines, jurisprudence, and international conventions relevant to consumer protection law. This method aims to determine the applicable legal rules, as well as assess the appropriateness, fairness, and effectiveness of these rules. To uncover the law related to consumer protection, this study adopts several approaches. The approach in this study is through legislation (statute approach), which includes analysis of national and international legal rules such as the Law Number 11 of 2008 on Electronic Information and Transactions, and Law Number 8 of 1999 concerning Consumer Protection. This study utilizes a secondary data collection method consisting of three categories of legal materials: primary and secondary. Primary legal materials include binding national and international laws and regulations. Secondary legal materials support the understanding of primary materials and include writings by legal experts, such as books and scientific journals. Descriptive analytical-qualitative data analysis is used in this study, involving systematic and logical interpretation of data to reach conclusions. The descriptive analytical approach emphasizes the description and analysis of data based on existing facts, allowing for in-depth investigation and a comprehensive understanding of the phenomena studied.

## **3. Research Result**

### **3.1. Legal Frameworks of Consumer Protection in Indonesia**

Consumer protection is not only important for individual welfare but also affects the economy as a whole. Consumers feel safe and protected, they will be more confident in making transactions, which in turn can drive economic growth. It is important for every country to have a strong and clear legal framework in protecting consumer rights, which is an effort to protect consumers, as realized through Law Number 8 of 1999 concerning Consumer Protection. This law aims to provide legal certainty for consumers, increase consumer awareness and ability to protect themselves, and encourage business actors to be responsible in running their businesses. Every business actor has an obligation to listen to consumer opinions and complaints, and respond to them appropriately and responsively. They must provide a quick and effective response to consumer complaints, and

strive to resolve disputes peacefully and fairly.<sup>11</sup> This is important to maintain good relations between business actors and consumers, as well as to build a good reputation for the company. Consumer protection is based on a number of principles and objectives that guide its implementation in everyday life. These principles and objectives are the main foundation in establishing a legal framework that regulates the rights and obligations in interactions between consumers and business actors. These principles provide guidelines for the formulation of policies and the implementation of effective and efficient consumer protection.<sup>12</sup> Article 2 of the Consumer Protection Law emphasizes that consumer protection is implemented as a joint effort based on five principles that are in line with the direction of national development. Through a solid framework based on these principles and objectives, it is hoped that consumer protection can be implemented effectively and efficiently in all economic sectors. Thus, consumers will feel safer and more protected in conducting transactions for the sale and purchase of goods and services, while business actors are also balanced with clear obligations in meeting the standards that have been set to protect consumer interests.<sup>13</sup>

Business actors also benefit from the existence of consumers who have good knowledge about the products or services they buy. Educated consumers tend to make smarter decisions and choose products or services that suit their needs and preferences. This can increase efficiency in resource allocation, reduce the risk of returns, and increase customer satisfaction. Thus, every individual, regardless of their background or social status, has equal access to legal protection in the context of consumer transactions.<sup>14</sup>

Consumers need to understand their rights and dare to fight for them, while business actors must comply with their obligations honestly and responsibly. Thus, an environment of mutual respect and support is created, where conflicts can be avoided or resolved fairly and peacefully.<sup>15</sup> A balanced balance between the interests of consumers, business actors, and the government, both in terms of material and spiritual. In a material context, this principle refers to efforts to maintain an equal power between consumers, business actors, and the government in the economic sphere.<sup>16</sup> The application of this principle of justice

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<sup>11</sup> Ema Rahmawati and Lastuti Abubakar., Peranan Penyelesaian Sengketa Pasar Modal: Suatu Tinjauan Atas Perkara Perdata Terkait Transaksi Repo, *Jurnal Bina Mulia Hukum*, Vol.4, no.1, 2019. Page.145.

<sup>12</sup> Raka Wicaksono, Andriyanto Adhi Nugroho, and Rosalia Dika Agustanti., Perlindungan Hukum Terhadap Konsumen Indihome Ditinjau Dari Undang-Undang Perlindungan Konsumen, *Jurnal Ilmiah Penegakan Hukum*, Vol.8, no.2, 2021, page.151.

<sup>13</sup> Nakzim Khalid Siddiq, Wahyuddin Wahyuddin, and Johan Rahmatulloh., Efficiency of Consumer Dispute Settlement Agency in Consumer Dispute Settlement in Indonesia, *Trunojoyo Law Review*, Vol.4, no.2, 2022, page.91.

<sup>14</sup> Nanda Indrawati., Penerapan Asas keadilan Dalam Polis Asuransi kendaraan Bermotor dan Perlindungan Konsumen PT. Asuransi Wahana Tata, *Jurnal Ilmu Hukum*, Vol.5, no.2, 2014, page.11.

<sup>15</sup> Maya Novira Purwanti, and Achmad Hariri., Perlindungan Hukum bagi Konsumen atas Kelangkaan Minyak Goreng Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum*, Vol.2, no.1, 2022, page.7.

<sup>16</sup> Tyrsa Tesalonika Tambuwun., Peranan Badan Pengawas Obat Dan Makanan (Bpom) Dalam Perlindungan Konsumen Yang Mengandung Zat Berbahaya, *Lex Privatum*, Vol.8, no.4, 2020, page.121. See too, Sutan Pinayungan Siregar., Kepastian Hukum Perlindungan Konsumen Sesuai

also refers to the principle that every individual, without exception, has the same right to receive fair and proper treatment in every consumer transaction. In the 1970s, the issue of consumer protection in Indonesia began to attract attention, especially with the establishment of the Indonesian Consumers Foundation (*Yayasan Lembaga Konsumen Indonesia* or YLKI) in May 1973.

YLKI has become an important forum for voicing consumer protection ideas through various activities such as education, research, testing, complaints, and media publications.<sup>17</sup> At that time, awareness of consumer rights was widely disseminated to the public. During the New Order, the ratification of the Draft Law on Consumer Protection continued to be postponed, due to the lack of support and support from the Government and the House of Representatives.<sup>18</sup> As a result, the legislative process to pass the consumer protection law was protracted and delayed, reflecting the political and policy challenges surrounding the discussion of consumer protection issues in Indonesia.<sup>19</sup> Various control or monopolies over interests that cover the livelihoods of many people by State-Owned Enterprises and Regional-Owned Enterprises have more or less worsened the embodiment of consumer rights in practice.<sup>20</sup>

Indonesia's legal framework for consumer protection, embodied in Law Number 8 of 1999, serves as a critical foundation for safeguarding consumer rights and promoting economic stability. This law has laid out essential principles aimed at enhancing consumer awareness, improving business accountability, and ensuring efficient dispute resolution mechanisms. By promoting a balanced relationship between consumers, businesses, and the government, the law has the potential to foster an environment of mutual respect and fair treatment in consumer transactions. As highlighted by previous research, a well-structured consumer protection law not only protects individual welfare but also contributes to economic growth by fostering trust and encouraging responsible business practices.<sup>21</sup> However, the effectiveness of these legal frameworks is contingent upon the institutional structures in place to enforce them. Despite the established legal principles, significant gaps remain in understanding the role of institutions in ensuring the practical implementation of consumer protection laws in Indonesia, such as the enforcement mechanisms, dispute resolutions particularly the role of

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Dengan Ketentuan Undang-Undang Perlindungan Konsumen, *Journal of Law, Administration, and Social Science*, Vol.4, no.2, 2024, page.231.

<sup>17</sup> Agung Nugroho., Peranan Yayasan Lembaga Konsumen Indonesia Dalam Membantu Masyarakat yang Dirugikan Akibat Iklan yang Menyesatkan, *Lex Jurnalica*, Vol.11, no.2, 2014, page.18086.

<sup>18</sup> Adis Nur Hayati, and Antonio Rajoli Ginting., Analisis Mekanisme Ganti Rugi Pengembalian Dana Dalam Transaksi E-Commerce Ditinjau Dari Hukum Perlindungan Konsumen, *Jurnal Ilmiah Kebijakan Hukum*, Vol.15, no.3, 2021, page.521.

<sup>19</sup> Monareh Regina Merine Yudi., Peranan Lembaga Penjamin Simpanan Dalam Melindungi Nasabah Bank Menurut UU No. 7 Tahun 2009, *Lex Privatum*, Vol.4, no.3, 2016, page.209.

<sup>20</sup> Ari Siswanto., State-Owned Enterprises (SOEs) in Indonesian competition law and practice, In *Advancing Rule of Law in a Global Context*, pp. 57-64. Florida, CRC Press, 2020, page.154.

<sup>21</sup> Rina Arum Prastyanti and Ridhima Sharma., Establishing Consumer Trust Through Data Protection Law as a Competitive Advantage in Indonesia and India, *Journal of Human Rights, Culture and Legal System*, Vol.4, no.2, 2024, page.371. See too, Nurul Fibrianti, Budi Santoso, Ro'fah Setyowati, and Yuli Rindyawati., Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws, *Journal of Indonesian Legal Studies*, Vol.8, no.2, 2023, page.1301.

agencies,<sup>22</sup> and institutional frameworks in consumer protection laws, while it making difficult to address emerging challenges such as digital consumer rights and monopolistic practices.<sup>23</sup>

### **3.2. Consumer Protection Law in Safeguarding Consumer Rights and Promoting Fair Business Practices**

The principles of consumer protection existed in the Consumer Protection Law before Indonesian independence; regulations from the Dutch East Indies era already existed, although most of them are no longer valid. In addition, in the *Burgerlijk Wetboek* (BW) there are provisions that aim to protect consumers, especially those contained in several articles of Book III, chapter V, part II starting from article 1365. The Commercial Code (*Kitab Undang-Undang Hukum Dagang* or KUHD) also regulates the protection of third parties and passengers/cargo in maritime law, as well as provisions regarding intermediaries, insurance, securities, bankruptcy, and so on. Likewise in the Criminal Code, there are articles that discuss forgery, fraud, unfair competition, and others.<sup>24</sup> Even in customary law, there are basic principles that support consumer protection, such as the strong principle of kinship that encourages people to respect each other.

Before the formation of the Consumer Protection Law, various regulations had existed that aimed to protect consumer interests. Although Consumer Protection Law is the main basis for consumer protection, it cannot be ignored that a number of previous laws have played an important role in this regard. For example, Law Number 10 concerning the Stipulation of Government Regulation in Lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang* or PERPU) Number 1 of 1961

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<sup>22</sup> Dhaniswara K. Harjono., Hulman Panjaitan, Moermahadi Soerjadjanegara, Abu Hena Mostofa Kamal, and Suwarno Suwarno., Ensuring Fair Business Practices and Consumer Rights: The Role and Impact of Indonesia's Consumer Dispute Settlement Agency, *Jurnal Hukum*, Vol.40, no.1, 2024, page.259. See too, Nayila Rehman, M. Hamidi Masykur, and Setiawan Wicaksono., Legal Reform the Meaning of Final and Binding Decisions of the Consumer Dispute Resolution Agency (Review of the Consumer Protection Act and Supreme Court Cassation Decision), *Journal of Law and Legal Reform*, Vol.5, no.2, 2024, page.659. See too, Intan Audia Priskarini, and Kuku Tejomurti., The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia, *Padjadjaran Jurnal Ilmu Hukum*, Vol.6, no.3, 2019, page.565. See too, Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.431.

<sup>23</sup> Muhammad Saiful Rizal, Yuliati Yuliati, and Siti Hamidah., Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause | Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online, *Legality: Jurnal Ilmiah Hukum*, Vol.27, no.1, 2019, page.79. See too, Sukarmi, and Yudhi Tri Permono., Perlindungan Hukum Konsumen Dalam Transaksi Secara Online, *Jurnal Hukum*, Vol.35, no.1, 2019, page.87.

<sup>24</sup> Ahmad Ibrahim Alsharu, Tasnim Fakri Aldowery, and Nidaa Kadhim Mohammed Jawad., Jordanian Legal Provisions for Electronic Commerce: Consumer Protection Perspectives—A Comparative Study, *Beijing Law Review*, Vol.15, no.1, 2024, page.449. See too, Muhammad Alvi Syahrin., Konsep Keabsahan Kontrak Elektronik Berdasarkan Hukum Nasional Dan Uncitral Model Law on Electronic Commerce Tahun 1996: Studi Perbandingan Hukum Dan Implikasinya Dalam Hukum Perlindungan Konsumen, *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, Vol.9, no.2, 2020, page.121.

concerning Goods has become an important foothold in upholding consumer rights. Likewise, Law Number 2 of 1981 concerning Metrology, which has a significant role in ensuring the suitability and safety of goods circulating in the market. In addition, Law Number 30 of 2009 concerning Electricity, which replaces Law Number 15 of 1985 concerning Electricity, and Law Number 36 of 2009 concerning Health, which is an amendment to Law Number 23 of 1992 concerning Health, also have a role in the aspect of consumer protection, especially in terms of product and service safety. Not to be missed, Law Number 18 of 2012 concerning Food has replaced Law Number 7 of 1996 concerning Food, providing a stronger foundation in ensuring the quality and safety of food consumed by the public.

Consumer protection in the context of the environment is not explicitly regulated by the Consumer Protection Law, because this has been handled by Law Number 32 of 2009 concerning Environmental Protection and Management, which replaces Law Number 23 of 1997 concerning the Environment. In this law, there are provisions that stipulate individual responsibilities in maintaining the sustainability of environmental functions and in preventing and overcoming environmental pollution and damage. However, the potential for the formation of new laws that specifically cover aspects of consumer protection remains open. Since the approval of the Draft Law on consumer protection by the House of Representatives on March 30, 1999, consumers in Indonesia have had a strong legal basis to protect their rights. The process of ratifying the bill by the government on April 20, 1999 marked an important step in ensuring better protection for consumers.

This legal basis provides confidence to all parties that consumer protection can be carried out effectively and optimistically. Historically, the struggle to realize this law has been proof of the government's seriousness in accommodating the needs and protection of consumers in Indonesia.<sup>25</sup> Not only the bill, but also a number of other legal instruments have been implemented to strengthen consumer protection. Government Regulation of the Republic of Indonesia Number 57 of 2001 concerning the National Consumer Protection Agency is a real example of how the government acts to regulate and supervise consumer protection nationally. In addition, Government Regulation of the Republic of Indonesia Number 58 of 2001 and Number 59 of 2001, which regulate the development, supervision, and non-governmental consumer protection institutions, provide a clear framework for enforcing consumer rights. Presidential Decree of the Republic of Indonesia Number 90 of 2001 is also important in establishing the Consumer Dispute Resolution Agency in several major cities in Indonesia. In Consumer Protection Law, the aspect of the agreement has an important role although it is not absolute.<sup>26</sup> Historically, there was a period where the element of the agreement was considered absolutely necessary before consumers could get legal protection from the disputing parties. Commercial Law, as part of Civil Law, also has a significant role, especially in encouraging freedom of contract and the emergence of various types of new agreements in civil relations.

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<sup>25</sup> Sinta Dewi Rosadi and Zahra Tahira., Consumer protection in digital economy era: law in Indonesia, *Yustisia Jurnal Hukum*, Vol.7, no.1, 2018, page.81.

<sup>26</sup> Sekararum Intan Munggaran, Sudjana Sudjana, and Bambang Daru Nugroho., Perlindungan Konsumen Terhadap Pencantuman Klausula Baku Dalam Perjanjian, *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan*, Vol.2, no.2, 2019, page.189.

It is important for consumers to have a good understanding of their rights in order to act critically and independently.<sup>27</sup> This allows consumers to spontaneously realize if there is an unfair action against them, and take further steps to fight for their rights. This means that consumers will not remain silent when they find that their rights have been violated by business actors. The Consumer Protection Law not only regulates the rights and obligations of consumers, but also the rights and obligations of business actors. The rights granted to consumers, as stated in Article 4, are more abundant than the rights granted to business actors, as stipulated in Article 6. Likewise, the obligations of business actors, according to Article 7, are more than the obligations of consumers regulated in Article 5.

Written civil law and unwritten civil law (customary law). The civil aspect in question is everything related to the rights and obligations of consumers that are civil in nature.<sup>28</sup> Several things are considered important in consumer relations and the provision of goods and/or services. By having access to accurate information, consumers can make better decisions in choosing products that suit their needs, and avoid losses that may arise from incorrect use. This underlines the importance of the right to correct information in securing consumer interests in economic transactions.<sup>29</sup>

Criminal law plays an important role even though it does not explicitly mention "consumers". Several articles in the Criminal Code offer legal protection for consumers. For example, Article 328 of the Criminal Code threatens with imprisonment for those who sell or hide fake food, drinks, or medicines. Likewise, Articles 383 and 386 of the Criminal Code, which expressly prohibit fraud in the sale of goods, including food, drinks, and medicines. According to Article 1 number (3) of Consumer Protection Law, the term business actor is defined as "Every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields. In Article 1 number (3) of Consumer Protection Law, namely every individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the legal territory of the Republic of Indonesia, either alone or together through an agreement to carry out business activities in various economic fields.

Article 6 of Law Number 8 of 1999 concerning Consumer Protection regulates the rights held by business actors. From this Article, it can be seen that business actors have several rights that have been legally mandated. The right to receive payment in accordance with the agreement regarding the conditions and exchange value of goods and/or services traded. The right to receive legal protection from consumer actions that have bad intentions. The right to defend oneself properly in the legal

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<sup>27</sup> Lex Zard and Alan M. Sears., Targeted Advertising and Consumer Protection Law in the EU, *Vanderbilt Journal of Transnational Law*, Vol.56, no.3, 2023, page.43. See too, Sebastian Rhein and Marc Schmid., Consumers' awareness of plastic packaging: More than just environmental concerns, *Resources, Conservation and Recycling*, Vol.162, 2020, page.105063.

<sup>28</sup> Ari Wahyudi Hertanto., Aspek-aspek Hukum Perjanjian Distributor dan Keagenan (Suatu Analisis Keperdataan), *Jurnal Hukum & Pembangunan*, Vol.37, no.3, 2007, page.3921.

<sup>29</sup> Ambar Wariati and Nani Irma Susanti., E-commerce dalam perspektif perlindungan konsumen, *ProBank*, Vol.1, no.1, 2014, page.162105.

settlement of consumer disputes. The right to rehabilitation of good name if it is legally proven that the consumer's loss was not caused by the goods and/or services traded. Rights regulated in other statutory provisions. The rights of business actors are intended to create business comfort for business actors and as a balance to the rights granted to consumers.

This shows that Indonesia's evolving consumer protection landscape reflects both historical legal frameworks and modern legislative advancements. While Consumer Protection Law serves as the central law safeguarding consumer rights, it is clear that earlier regulations, including provisions from the Dutch East Indies era and various national laws, laid the foundation for these protections. The enactment of the Consumer Protection Law in 1999 marked a significant milestone in strengthening consumer rights and ensuring that business actors are held accountable. These legal developments, coupled with supporting regulations such as the Government Regulation Number 57 of 2001, provide a robust framework for both consumers and businesses to navigate the marketplace.<sup>30</sup> Additionally, the complementary role of criminal law in protecting consumers from fraud and unsafe products further underscores the multifaceted approach Indonesia has taken toward consumer protection.

However, despite the comprehensive legal structure, challenges remain in ensuring that these laws are effectively enforced and adapted to modern consumer needs. While some highlight the role of the Consumer Dispute Settlement Agency (*Badan Penyelesaian Sengketa Konsumen* or BPSK) in overseeing the enforcement of standardized clauses,<sup>31</sup> ongoing efforts are required to address gaps, particularly in the digital economy and emerging sectors. Consumers must also be empowered with better knowledge of their rights,<sup>32</sup> to navigate a complex and often opaque marketplace.<sup>33</sup> Some argue, continuous legal reforms, including

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<sup>30</sup> Merva Putri Salvia and Luh Putu Yeyen Karista Putri., Constitutionality of the Execution of Fiduciary Guarantees within the Framework of Consumer Rights Protection | Konstitusionalitas Eksekusi Jaminan Fidusia dalam Kerangka Perlindungan Hak Konsumen, *Jurnal Konstitusi*, Vol.21, no.2, 2024, page.287.

<sup>31</sup> Deviana Yuanitasari, Hazar Kusmayanti, and Agus Suwandono., A comparison study of strict liability principles implementation for the product liability within Indonesian consumer protection law between Indonesia and United States of America law, *Cogent Social Sciences*, Vol.9, no.2, 2023, page.2246748. See too, Deviana Yuanitasari and Hazar Kusmayanti., The Existence of BPSK (Consumer Dispute Settlement Body) in the Supervision of the Standard Clause in Indonesian Consumer Protection Law System | Eksistensi BPSK (Badan Penyelesaian Sengketa Konsumen) dalam Pengawasan Pencantuman Klausula Baku dalam Sistem Hukum Perlindungan Konsumen Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.3, 2019, page.429.

<sup>32</sup> T. Fauzansyah, Azhari Yahya, and Iman Jauhari., Legal Protection of Home Buyer Consumer through Sales and Purchase Agreement | Perlindungan Hukum terhadap Konsumen Pembelian Rumah melalui Perjanjian Pengikatan Jual Beli, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.2, 2019, page.279. See too, Rahmi Dewanty Palangkey, A. Qadir Gassing, Kasjim Salenda, Marilang Marilang, and Tabhan Syamsu Rijal., Analysis of Islamic Law on Consumer Protection in Hajj and Umrah Business in Indonesia | Analisis Hukum Islam terhadap Perlindungan Konsumen dalam Bisnis Haji dan Umrah di Indonesia, *Al-'Adalah*, Vol.18, no.1, 2021, page.121.

<sup>33</sup> Gannis Indra Setyawan, Kurniawan Kurniawan, and Lalu Wira Pria Suhartana., Legal Protection of Consumer Rights in the Purchase of the Airplane's Passengers Insurance Premiums through Traveloka Sites | Perlindungan Hukum terhadap Hak-Hak Konsumen Penumpang Pesawat Udara dalam Pembelian Premi Asuransi melalui Situs Traveloka, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.7, no.1, 2019, page.159. See too, Muhammad Saiful Rizal, Yuliati Yuliati, and Siti Hamidah., Legal Protection of Personal Data for Consumers in Online Transportation Exoneration Clause |

those addressing consumer rights, will be crucial in adapting to the changing dynamics of consumer protection.<sup>34</sup> By strengthening the role of regulatory bodies and ensuring that both consumers and businesses are equally educated and informed, Indonesia can foster a more just and balanced marketplace.

### **3.3. Strengthening Institutional Roles in Legal Enforcement**

The implementation of legal responsibility for business actors towards consumers reflects several important things: first, consumers are in an economically disadvantaged position, second, consumers are completely dependent on information provided by business actors; and third, the majority of the population has a low level of education, so that information provided without additional education will be less effective and useful. Breach of contract lawsuits is based on binding contracts between consumers and producers, both written and oral contracts.<sup>35</sup> The development of consumer law in the world began with the consumer protection movement in the 19th century, especially marked by the emergence of the consumer movement. Consumer protection law in European countries has grown rapidly along with economic growth and international trade. Consumer protection in Europe began with the implementation of the General Product Safety Directive (GPSD) which was adopted in 2001.<sup>36</sup> This directive emphasizes that all products marketed in the European Union must be safe to use. Manufacturers and distributors have a responsibility to provide sufficient information about the risks associated with their products and to take corrective action if any hazardous products are found.

Regarding membership, Consumer Protection Law Article 35 states that the National Consumer Protection Agency consists of a chairman who is also a member, a deputy chairman who is also a member, and at least 15 (fifteen) people and a maximum of 25 (twenty-five) members representing all elements. Members of the National Consumer Protection Agency consist of government elements; business actors; non-governmental consumer protection institutions; academics; and experts. The Consumer Protection Law states several basic principles that must be upheld by the consumer protection agency. These principles include the right to obtain correct, clear, and honest information regarding the condition and guarantee of goods and/or services, the right to obtain security and safety in the use of goods and/or services, and the right to have their opinions and complaints heard regarding the goods and/or services used.

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Perlindungan Hukum atas Data Pribadi bagi Konsumen dalam Klausula Eksonerasi Transportasi Online, *Legality: Jurnal Ilmiah Hukum*, Vol.27, no.1, 2019, page.72. See too, Sukarmi and Yudhi Tri Permono., Perlindungan Hukum Konsumen Dalam Transaksi Secara Online, *Jurnal Hukum*, Vol.35, no.1, 2019, page.79. See too, Intan Audia Priskarini and Kukuh Tejomurti., The Role of The Financial Services Authority in The Legal Protection of Privacy Rights in Connection with Personal Data of Fintech Lending Debtor in Indonesia | Peran Otoritas Jasa Keuangan (OJK) dalam Perlindungan Hukum Hak Privasi atas Data Pribadi Konsumen Peminjam Fintech Lending di Indonesia, *Padjadjaran Jurnal Ilmu Hukum*, Vol.6, no.3, 2019, page.561.

<sup>34</sup> Mabarroh Azizah., Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia, *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, Vol.4, no.2, 2021, page.165.

<sup>35</sup> Dewi Sulistianingsih, Christian Chandra Wijaya, Rahmawati Mohd Yusoff, and Yuli Prasetyo Adhi., Juridical Consequences of Anticipatory Breach as a Form of Breach of a Contract, *Journal of Indonesian Legal Studies*, Vol.9, no.1, 2024, page.198.

<sup>36</sup> Dirk, van Aken., Assessing risks—challenges posed by the European general product safety directive, *Injury control and safety promotion*, Vol.9, no.3, 2002, page.152.



Consumers also have the right to receive consumer guidance and education, which aims to increase their awareness and ability to make smart and wise choices in economic transactions.<sup>37</sup> National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional* or BPKN) also has an obligation to provide legal protection to consumers through strict supervision and strict law enforcement against business actors who violate consumer rights. For example, in cases of violations of consumer rights, BPKN can act as a mediator in resolving disputes between consumers and business actors. If mediation does not achieve the desired results, consumers can take the case to court through the BPSK or through the courts. Consumer protection, both at the national and international levels as regulated in Consumer Protection Law article 34 paragraph 2. This collaboration aims to strengthen consumer protection and ensure that consumer protection standards applied in Indonesia are in line with international standards.

The Non-Governmental Consumer Protection Institution in Indonesia is an independent entity that plays an important role in protecting consumer rights as mandated by Law Number 8 of 1999 concerning Consumer Protection. Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat* or LPKSM) aims to ensure consumer rights to security, comfort, and protection from detrimental actions that may be carried out by business actors.<sup>38</sup> This institution functions as an extension of the community in fighting for consumer rights by providing education, advocacy, and legal assistance when consumer disputes occur. In addition to educating consumers about their rights and obligations, LPKSM also plays an active role in monitoring products and services in the market to ensure business actors' compliance with safety standards and business ethics. When there are indications of violations of consumer rights or detrimental business practices, LPKSM can file a lawsuit or report to the authorities, as well as accompany consumers in the legal process.<sup>39</sup>

The role of LPKSM is very important in creating a healthy market ecosystem, where consumer rights and interests are protected. With LPKSM, consumers have additional support and protection in ensuring that the goods and services they consume comply with proper quality and safety standards.<sup>40</sup> Legal protection for consumers in the dispute resolution process is also regulated in other laws and regulations, such as the Civil Code and the Criminal Code. In the Civil Code, consumers who feel disadvantaged by business actors can file a civil lawsuit to request compensation for the losses they have suffered. Meanwhile, in the Criminal

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<sup>37</sup> Vanessa Mak, and Evelyne Terryn., Circular economy and consumer protection: The consumer as a citizen and the limits of empowerment through consumer law, *Journal of Consumer Policy*, Vol.43, no.1, 2020, page.229.

<sup>38</sup> Narya Suryadi, Yuniar Rahmatiar, and Muhamad Abas., Tinjauan yuridis terhadap keberadaan lembaga perlindungan konsumen swadaya masyarakat di kabupaten karawang berdasarkan undang-undang nomor 8 tahun 1999 tentang perlindungan konsumen, *Jurnal Ilmu Hukum the Juris*, Vol.7, no.1, 2023, page.215.

<sup>39</sup> Ridwan Arifin, Juan Anthonio Kambuno, Waspiah Waspiah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.151.

<sup>40</sup> Arie Nurwanto, and Ida Hanifah., Tinjauan Yuridis Asas Pacta Sunt Servanda Dalam Perjanjian Pembiayaan Kredit Kendaraan Bermotor (Study Komparatif KUH Perdata Dan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Tentang Perlindungan Konsumen), *Juris Studia: Jurnal Kajian Hukum*, Vol.3, no.3, 2022, page.281.

Code, business actors who intentionally carry out actions that harm consumers can be subject to criminal sanctions, such as fraud or product counterfeiting.

Overall, the findings showed that the legal responsibility of business actors toward consumers is rooted in the recognition of consumers' vulnerable position in economic transactions. Consumers are often at an informational disadvantage, which makes them highly reliant on the transparency and honesty of business actors.<sup>41</sup> This is compounded by the generally low levels of education within the consumer population, making education and awareness crucial in mitigating exploitation. The role of consumer protection laws, such as those under the Consumer Protection Law and the establishment of bodies like the BPKN, reflects a broader commitment to addressing these issues by ensuring consumers are informed, protected, and able to seek redress. The collaborative efforts between government bodies, non-governmental institutions, and international standards are essential in creating a fair and secure market environment for consumers.

Moreover, the presence of institutions like the LPKSM further strengthens the consumer protection framework in Indonesia. This institution serves not only as an advocate for consumer rights but also as an active participant in ensuring market compliance with safety and ethical standards. By providing education, legal assistance, and filing lawsuits in cases of violations, LPKSM plays a pivotal role in promoting a healthier market ecosystem.<sup>42</sup> Legal avenues through civil and criminal law also offer consumers the necessary tools to pursue justice when their rights are infringed upon, whether through fraud or unsafe products.<sup>43</sup>

#### **4. Conclusion**

Consumer protection in Indonesia is crucial for individual welfare and economic growth, as it fosters consumer confidence and promotes responsible business practices. The legal framework, primarily governed by Law Number 8 of 1999, provides a foundation for safeguarding consumer rights, increasing awareness, and encouraging business accountability through principles that guide both consumer and business conduct. However, the effectiveness of this framework depends on robust enforcement mechanisms, institutional roles, and addressing

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<sup>41</sup> I. Imanuddin, Dewi Anggraeni, R.R., Fridayani, and Susanto., Construction of Consumer Protection Against Illegal Online Loan Transactions as a Means of Ius Constituendum in Indonesia, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.11, no.3, 2023, page.5396.

<sup>42</sup> Ridwan Arifin, Juan Anthonio Kambuno, Wasipah Wasipah, and Dian Latifiani., Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia, *Jambura Law Review*, Vol.3, 2021, page.145.

<sup>43</sup> Ika Atikah., Consumer rights protection against price gouging during the covid-19 pandemic in Indonesia, *UUM Journal of Legal Studies (UUMJLS)*, Vol.13, no.2, 2022, page.128. See too, Safina Callistamalva Arindrajaya., Legal Protection Against Cryptocurrency Investors: Overview of Indonesian Consumer Protection Law, *Journal of Human Rights, Culture and Legal System*, Vol.2, no.2, 2022, page.117. See too, Galasintu, Sareeya, and Chanakant Loveera., The comparative study on consumer protection laws in ASEAN, *Kasetsart Journal of Social Sciences*, Vol.42, no.4, 2021, page.805. See too, Mabarroh Azizah., Peran Negara dalam Perlindungan Konsumen Muslim di Indonesia, *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, Vol.4, no.2, 2021, page.159. See too, Rusnaldi Salim., Perlindungan Konsumen dalam Kepailitan, *Jurnal Hukum*, Vol.36, no.1, 2020, page.28. See too, Ramlan, and Nahrowi., Halâl Certification as an Application of Islamic Business Ethics in Muslim Consumer Protection | Sertifikasi Halal sebagai Penerapan Etika Bisnis Islami dalam Upaya Perlindungan bagi Konsumen Muslim, *Ahkam: Jurnal Ilmu Syariah*, Vol.14, no.1, 2014, page.145.

emerging challenges like digital consumer rights and monopolistic practices.

The implementation of legal responsibility for business actors towards consumers highlights the vulnerabilities of consumers, who often face informational disadvantages and lack education, making them highly dependent on business actors for transparency. Institutional roles, such as those of the BPKN and the LPKSM, are crucial in enforcing consumer protection laws, providing mediation, and ensuring compliance with safety and ethical standards. Through education, advocacy, and legal support, these institutions help protect consumer rights, promote fair business practices, and ensure access to justice, especially in cases involving fraud or unsafe products. Theoretically, the study underscores the importance of strengthening institutional frameworks and legal enforcement to address consumer vulnerabilities in a rapidly evolving market. Practically, it highlights the need for more robust collaboration between government bodies, non-governmental institutions, and legal mechanisms to ensure effective consumer protection, particularly in the face of emerging challenges like digital transactions and globalized business practices.

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## Institutional Roles and Mechanisms in Upholding Legal Protection Under Consumer Protection Law in the Era of Globalization

Wiwik Sri Widiarty, Md Hasnath Kabir Fahim

### Abstract

Consumer protection law is essential in safeguarding rights against fraud and unfair practices, relying on both private institutions and governmental enforcement. This study aims to analyze the legal frameworks of consumer protection in Indonesia. It also examines the roles of institutions in the legal enforcement of consumer protection, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law Number 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions, such as National Consumer Protection Agency (*Badan Perlindungan Konsumen Nasional* or BPKN), Non-Governmental Consumer Protection Institution (*Lembaga Perlindungan Konsumen Swadaya Masyarakat* or LPKSM), Consumer Dispute Resolution Agency (*Badan Penyelesaian Sengketa Konsumen* or BPSK), in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

### Keywords

Consumer Protection Law; Globalization; Consumer Protection Institutions; Legal Harmonization; Consumer Disputes

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DOI: <http://dx.doi.org/10.26532/jh.v40i2.40717>

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### #40717 Summary

SUMMARY REVIEW EDITING

#### Submission

Authors	Wiwik Sri Widiarty, Md Hasnath Kabir Fahim
Title	Institutional Roles and Mechanisms in Upholding Legal Protection Under Consumer Protection Law in the Era of Globalization
Original file	<a href="#">40717-92207-1-SM.DOCX</a> 2024-11-05
Supp. files	None
Submitter	Wiwik Sri Widiarty
Date submitted	November 5, 2024 - 06:29 PM
Section	Articles
Editor	Karim Abdullah
Abstract Views	28

#### Status

Status	Published Vol 40, No 2 (2024): Jurnal Hukum
Initiated	2024-12-23
Last modified	2024-12-28

#### Submission Metadata

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Bio Statement	—

##### Title and Abstract

Title	Institutional Roles and Mechanisms in Upholding Legal Protection Under Consumer Protection Law in the Era of Globalization
Abstract	Consumer protection law is essential in safeguarding rights against fraud and unfair practices, relying on both private institutions and governmental enforcement. This study aims to analyze the legal frameworks of consumer protection in Indonesia. It also examines the roles of institutions in the legal enforcement of consumer protection, particularly their function in maintaining the balance of relations between consumers and producers in the context of globalization and extensive online marketing. The methodology employed is normative legal research, which examines Indonesia's Consumer Protection Law (Law Number 8 of 1999) through the lens of key concepts such as consumer rights, the institutional roles in enforcing these rights, and ensuring fair business practices. The findings underscore the importance of various consumer protection institutions, such as National Consumer Protection Agency ( <i>Badan Perlindungan Konsumen Nasional</i> or BPKN), Non-Governmental Consumer Protection Institution ( <i>Lembaga Perlindungan Konsumen Swadaya Masyarakat</i> or LPKSM), Consumer Dispute Resolution Agency ( <i>Badan Penyelesaian Sengketa Konsumen</i> or BPSK), in Indonesia, which serve to educate, supervise, and assist consumers in resolving disputes with businesses. This study also identifies the challenges in implementing consumer protection law, particularly concerning the broad range of involved institutions, as well as the need for heightened consumer awareness and greater accountability from business actors.

##### Indexing

Keywords	Consumer Protection Law; Globalization; Consumer Protection Institutions; Legal Harmonization; Consumer Disputes
Language	en

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