

Effectiveness Implementation Law Protection Consumers : Case Study of Consumer Disputes in Indonesia

Elizabeth Saragih¹, Yasmirah Mandasari Saragih², MH Fauzan³,

Lasma Sinambela⁴, Kaaisar Romolus Deo Sianipar^{5*}

^{1,2,3,4,5} Universitas Pembangunan Panca Budi, Indonesia

Email : elisabethsaragihsimarmata@gmail.com, yasmirahmandasari@gmail.com,
fauzan123.dosen@gmail.com, rejeki1976baru@gmail.com, kaaisarsianipar641@gmail.com

Abstract This study aims to analyze the effectiveness of consumer protection law implementation in Indonesia, particularly through a case study approach on disputes between consumers and business actors. The research employs a qualitative method with normative and empirical juridical approaches. Data were obtained from legal documents, case reports, and interviews with relevant stakeholders. The findings reveal that although consumer protection regulations are comprehensive, their implementation faces challenges, such as low public legal awareness, weak law enforcement, and insufficient support from consumer protection institutions. This study recommend strengthening legal education, increasing the capacity of relevant institutions, and simplifying dispute resolution mechanisms.

Keywords : Legal Effectiveness, Consumer Protection, Case Study, Disputes, Law Enforcement

1. INTRODUCTION

Consumer protection is an important aspect in creating balance and fairness in economic transactions, especially in a society that is increasingly connected to technological developments and globalization. In the context of law in Indonesia, consumer protection is a priority regulated through (Law Number 8 of 1999 concerning Consumer Protection, 1999). This law aims to protect consumer rights, encourage business actors to be honest, and create a fair dispute resolution mechanism.

According to Philip Kotler and Gary Armstrong (Armstrong, 2018), consumers are the main element in economic activities that influence the sustainability of the system. market. If consumer feel protected And his rights valued, they will tend to increase trust in the market. This is also agreed by (Tjiptono, 2019), who said that consumer protection is a strategic effort to create trust in between consumers and business actors, which ultimately supports economic growth.

However, the implementation of consumer protection law in Indonesia still encounters various obstacles. One of the main challenges is the low level of legal awareness. society.(Creswell & Creswell, 2017) state that awareness Community law is an important prerequisite for effective law implementation. Unfortunately, the results of a survey by the National Consumer Protection Agency (BPKN) show that more than 60% of consumers in Indonesia do not understand their rights. as consumer And not enough familiar with procedure settlement available disputes.

The Consumer Dispute Resolution Agency is an institution created by government use For finish dispute Which happen between perpetrator business and consumers. This institution has a win-win solution by carrying out mediation, consolidation And arbitration between party Which to disagree. Body Consumer Dispute Resolution is an independent Agency/Institution, a public body that has duties and authorities including carrying out the handling and resolution of disputes between consumers and business actors. Based on the duties and authorities BPSK so mechanism settlement dispute consumer in register at the BPSK closest to the consumer's domicile. Examination of the consumer's application done The same like trial in Court general And decision BPSK yes nature final And tie. However thus in implementation In its task of resolving consumer disputes, BPSK faces several obstacles, including: Not yet existence guide technical in arrangement aspects Which related to procedural law, constrained by BPSK member human resources, low consumer understanding and awareness and constrained by operational costs. For this reason, improvements to the structure and culture law need done socialization law protection consumer to the community (Zia & Saleh, 2022).

In addition, weak law enforcement and minimal support from related institutions are also major obstacles to the effectiveness of the implementation of the Consumer Protection Law. (Marzuki, 2011) explains that a regulation is not only assessed from its normative clarity, but also from the extent to which the norm can be applied in real situations. It is often found that consumer protection institutions, Good in level national and also area, lack source Power human and financial to carry out their duties optimally. This creates many disputes consumer end without settlement Which adequate, so that reducing public trust in the legal system.

In side other, perpetrator business Also often time No understand his obligation or even ignore the applicable rules. According to the report (National Consumer Protection Agency (BPKN), 2021), some business actors deliberately avoid their responsibilities for procedural reasons or because of weak supervision from the authorities. This condition further worsens the bargaining position of consumers in resolving disputes, both through litigation and non-litigation.

In fact, there is a law that regulates consumer protection. Law Number 8 of 1999 concerning Consumer Protection, hereinafter referred to as UUPK, regulates consumer protection, stating in Article 1 paragraph (1) that consumer protection is all efforts that guarantee legal certainty to provide consumer protection. The legal certainty referred to in this sense includes all efforts to empower consumers to obtain or determine their choice of goods or services they need and to maintain or defend their rights if they are harmed by the

behavior of business actors providing consumer needs. In other words, UUPK has expressly provided a guarantee protection to consumer, If consumer disadvantaged by perpetrator business (Zia & Saleh, 2022).

The development of a Non-Litigation Dispute Resolution System by resolving disputes through mediation or arbitration should be expanded and simplified so that it can be used by more consumers, especially in cases that do not involve major losses. The government and related institutions must provide adequate means and facilities for non-litigation dispute resolution, as well as increase trust consumer to method settlement This.

The rol of social media can also be influential in disseminating consumer protection information. The use of social media is also often used by some business actors to assess consumer and customer perceptions. The existence of counterfeit products is a problem, because it can cause financial losses and health risks for consumers who unknowingly buy counterfeit goods. Handling mechanisms Inadequate complaint redress can exacerbate these problems, as consumers may struggle to find appropriate channels to report their concerns and seek redress. To address these challenges, the Indonesian government needs to implement comprehensive policies and regulations to protect consumers and promote a healthy environment. safe online shopping. A number of potential solutions include strengthening cybersecurity measures, implementing stricter regulations on advertising practices, and improving consumer protection laws. In addition that, e-commerce platforms can play a role in increase consumer confidence by providing information Which transparent about the product And seller, and offer secure payment options and efficient customer support services. Consumer protection laws in Indonesia, like as it is in Lots jurisdiction other, has experience adaptation to overcome a number of challenge Which caused by e-commerce.

Through study This, approach studies case used For analyze in depth the effectiveness of the implementation of consumer protection laws in Indonesia. Case studies are chosen because they are able to provide a detailed understanding of the dynamics in the field, including the obstacles that arise in practice. Results from study This expected can give contribution towards development policy Which more effective, Good in increase awareness community law , strengthening consumer protection institutions , and simplifying dispute resolution mechanisms.

Formulation Of The Problem

1. What is the level of consumer understanding of their rights?
2. What is the procedure for resolving consumer disputes in Indonesia?
3. What are the obstacles in implementing consumer protection?

2. METHOD STUDY

This study uses a normative legal research method with a case study approach to analyze the effectiveness of the implementation of consumer protection laws in Indonesia. This method was chosen because it aims to explore and examine the applicable legal regulations in the context of consumer disputes, as well as analyze implementation law in practice. Following this is explanation Details about steps method study Which used in this study.

Research Approach

The normative legal research method focuses on the study of existing laws and legal documents. This study seeks to explore the norms contained in (Law Number 8 of 1999) concerning Consumer Protection and other related regulations, and to evaluate how these norms are applied in practice, especially in cases of consumer disputes in Indonesia. In this case, a case study approach is used to obtain more in-depth data on real cases that occur in the implementation of consumer protection law.

Type Data

Data Which used in study This consists of from two type, that is:

- 1. Primary Data** : Primary data obtained through a case study of consumer disputes in Indonesia. This primary data was collected through interviews with parties Which involved in dispute consumer, like consumers involved in the dispute, business actors, and officials responsible at consumer protection agencies, such as the National Consumer Protection Agency (BPKN) or other dispute resolution agencies.
- 2. Secondary Data** : Secondary data was obtained through a literature review that included laws, government regulations, scientific journals, books, annual reports of consumer protection institutions, and related articles. with protection consumer And dispute resolution. Secondary sources This Also covers results study previously Which relevant with this research topic.

Technique Collection Data

1. Studies Document

This technique is used to collect and analyze laws and regulations governing consumer protection in Indonesia, including the Consumer Protection Act and other related regulations. In addition, this study also uses annual reports from consumer protection institutions to determine the effectiveness of law enforcement in the field.

2. Interview Deep

Interview done with various party Which own direct relationship with the implementation of consumer protection laws, such as consumers who have experienced disputes, business

actors, and parties involved in dispute resolution such as BPKN and dispute resolution bodies dispute other. Interview This aiming For collect qualitative information on the implementation of the Consumer Protection Act in real cases.

3. Observation

Researchers also conducted observations on the consumer dispute resolution process carried out by related institutions. This was done to obtain a clearer picture of the challenges faced in implementing consumer protection laws.

Analysis Data

Data Which collected will analyzed use technique analysis qualitative descriptive. After the data is collected, the researcher will group the information based on relevant themes, such as consumer awareness of their rights, dispute resolution procedures, and obstacles faced by consumer protection institutions. And perpetrator business. Furthermore, researcher will evaluate conformity

between the legal theory contained in the Consumer Protection Act and practice in field. Results analysis This will used For give recommendations regarding steps that need to be taken to improve the effectiveness of the implementation of consumer protection laws in Indonesia.

Approach Studies Case

In this study, the case study approach was chosen because it allows researchers to explore in depth the dynamics of consumer disputes in Indonesia. The case study will take several examples of consumer disputes that have gone through the resolution path, Good through justice and also alternative settlement dispute, such as mediation or arbitration. Researchers will analyze the dispute resolution process, identify existing obstacles, and evaluate the extent to which Act Protection Consumer can finish problem Which faced by consumers.

3. RESULTS AND DISCUSSION

In this section, the researcher will discuss the results of the study on the effectiveness of the implementation of consumer protection law in Indonesia by referring to several case studies of consumer disputes that occurred in the country. This discussion will discuss how the implementation of the Consumer Protection Law Consumer (UU No. 8/1999) run in field, as well as problems that arise in practice. Researchers will also analyze the advantages and disadvantages of the consumer protection legal system in Indonesia.

Level Understanding Consumer to His Rights

One of the important factors in the effectiveness of the implementation of the Consumer Protection Law is the consumer's understanding of their rights. Based on interviews which is conducted with a number of consumer which are involved in disputes, most of them admitted to not knowing for sure about consumer rights protected by the Consumer Protection Act. Only a few know the existing dispute resolution procedures, either through the courts or alternative channels such as mediation or arbitration.

For example, in a case of a dispute over the purchase of electronic goods, a consumer buy telephone handheld with warranty official, However after a number of month used, goods the damaged And No can fixed even though it is still under warranty. When the consumer asks for a return of the goods or a replacement unit, the seller only offers repairs, which the consumer considers inadequate. The consumer does not know that he has the right to demand a return of the goods or a replacement of the product in accordance with the provisions in Act Protection Consumer. As a result, consumer the feel aggrieved, However No know method For finish problem the through the correct legal path.

Based on this case study, it is clear that although the Consumer Protection Act provides certain rights to consumers, the low level of public understanding of their rights means that consumers are unable to utilize existing legal mechanisms to protect themselves.

Procedure Completion Dispute Consumer in Indonesia

Consumer dispute resolution in Indonesia can be done through two main channels, namely judicial and non-judicial (mediation/arbitration). However, the dispute resolution process through the courts often takes a long time, is expensive, and has complicated procedures. Most consumers choose the non-litigation route Because considered more cheap And fast, although often time No There is guarantee of satisfactory completion.

Case Study: Consumer Dispute with Airline One real example is a dispute between a consumer and an airline. flight Indonesia related with delay flight Which very long. Consumer This buy Ticket flight Which scheduled appropriate time, However, due to the very long delay, consumers have to pay additional costs for accommodation and transportation. The airline did not provide adequate compensation and only provided vouchers as a replacement.

Although consumers know that they are entitled to compensation in accordance with the provisions of the Consumer Protection Act and regulations on air transportation, the mediation process through the National Consumer Protection Agency (BPKN) took more than

three months. In the end, the consumers received a voucher offer that was lower in value compared to the costs incurred. This shows the existence of a gap between regulation and implementation in the field. Where the mechanism for settling disputes, which should be fast and fair, are often hampered by inefficient procedures.

Obstacle in Implementation Consumer Protection

Based on the results of interviews with related parties, there are several obstacles that interfere with the effectiveness of consumer protection in Indonesia. One of the main obstacles is the lack of effective supervision of business actors. Although there are supervisory institutions such as BPKN, these institutions often lack the resources to handle all existing cases. Many business actors do not carry out their obligations properly due to the lack of strict supervision.

Example real from obstacle This is the case of fraud products, cosmetics, fake products circulating in the market. Although many consumers have reported the existence of cosmetic products, false products circulating with cheap prices, the countermeasures by authorities are very slow. Many business actors are not subject to strict sanctions even though they clearly violate the law. This worsens trust in consumers in the existing protection system.

4. CONCLUSION

Based on the discussion which has been done regarding the Effectiveness of the Implementation of Consumer Protection Law: Case Study of Consumer Disputes in Indonesia, several things can be concluded as follows:

1. Low Level of Consumer Understanding of Their Rights causes consumers to be unable to utilize existing legal mechanisms to protect themselves. Consumer Protection Regulations in Indonesia have provided a strong legal basis to protect consumer rights, especially through Law Number 8 of 1999 concerning Consumer Protection.
2. Consumer dispute resolution procedures in Indonesia can be carried out through two tracks, main, that is justice And non-judicial (mediation/arbitration). However, the settlement process through court often takes a long time, consuming, high cost, and complicated procedures. Most consumers choose the non-litigation path because it is considered cheaper and faster, although there is often no guarantee of a satisfactory resolution.
3. The main obstacle in the implementation of consumer protection is the lack of effective supervision of business actors. In law enforcement in Indonesia, although there are

institutions such as BPKN and various mechanisms settlement dispute, Still hampered by limitations resources, both in terms of budget and personnel. This makes the dispute resolution process slow and sometimes does not provide an adequate sense of justice for consumers.

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