

**ENFORCEMENT OF LAW ON CONSUMER PROTECTION  
TO INCREASE THE VALUE OF JUSTICE”****Ibrahim Nainggolan, Ismail Koto, Rajarif Syah Akbar Simatupang  
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**ABSTRACT**

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*The problems faced by society are not only related to the choice of goods, but are much more complex and involve the perception of all parties, both business actors and consumers, regarding the importance of consumer protection. Consumer protection law or consumer law can be understood as all legal provisions that regulate the rights and obligations of consumers and producers arising from efforts to fulfill their needs. The word comprehensive is intended to describe that it covers all differences in law according to its type. This research is normative legal research, namely legal research that places law as a building system of norms. Normative legal research is law that is conceptualized in terms of norms or rules that apply in society. In regulating consumer protection legal regulations in fulfilling the value of justice in Indonesia today optimally and providing opportunities for consumers and economic actors to achieve their rights and fulfill their obligations equally.*

**Keywords: Law Enforcement; Consumers; Values of Justice.**

**Journal History**

Received	: November 21, 2023
Reviewed	: November 27, 2023
Accepted	: November 29, 2023
Published	: November 30, 2023

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**INTRODUCTION**

Law protection consumer mature This get Enough attention , because concerning rules To use welfare society , no just public as consumers who get protection , however perpetrator business Also have the same rights For get protection , respectively There is right And his obligations . Government role organize , supervise , and control , so created conducive system \_ each other related One with another with thereby objective welfare public in a way wide can achieved.<sup>1</sup>

Protection to consumer seen materially and formally increasingly \_ felt very important , remember increasingly the speed knowledge knowledge And

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<sup>1</sup>Celina Tri Siwi Kristiyanti, *Perlindungan Hukum Konsumen*, Jakarta: Sinar Grafis, 2008, p.1.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

technology is the driving force for productivity And efficiency producer on goods or services produced \_ in frame reach target business . In frame chase And reach second matter that , finally Good direct or No directly , the consumer is the one Finally feel impact . With Thus , efforts For give adequate protection \_ to interest consumer is something important thing \_ And urge For quick searching for the solution , especially in Indonesia considering like that the complex related problems \_ protection consumers , more so welcoming the era of trade free will \_ come .<sup>2</sup>

Trade era free is where is the era ? marketing is or universal discipline . Concepts marketing seen from strategy global marketing has changed from time over time , as stages following :<sup>3</sup>

1. First , concept marketing on initially is focus on more products \_ well based \_ on standard and internal value . This matter done with objective obtain profit , with sell or persuade customer potential For exchange the money with product company .
2. in the sixth decade dozens of marketing focuses from product to customer . Target Still still on profit , but method achievement become broad , that is with renewal marketing mix marketing or 4P (Product, Price, Promotion, And Place) Product , Price , Promotion , and Channel distribution .
3. As draft new marketing with renewal from draft marketing become draft strategy . Draft strategy marketing on basically change marketing focus from customer or product to customer in context environment more external \_ wide . For That must utilise existing customers \_ including competitors , applicable policies , regulations \_ government as well as strength macro , economic , social, political in a way wide

Organization world not even the UN not enough his attention to problem Protection Consumers , This is it proven with he took it out UN Resolution No. 39/248 of 1985. In resolution This interest consumers must \_ protected includes :<sup>4</sup>

- a. protection consumer from dangerdanger to health And its security
- b. promotion And protection interest social economy consumer
- c. availability adequate information \_ for consumer For give ability they in do the right choice in accordance with will And need personal
- d. education consumer
- e. availability effort change effective loss \_
- f. freedom For form organization consumer

Even further problems faced by society are not only related to the choice of goods, but are much more complex and involve the perception of all parties, both

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<sup>2</sup> *Ibid.* p. 5

<sup>3</sup>*Ibid.* p 35

<sup>4</sup>Niru Anita Sinaga, "Implementasi Perlindungan Konsumen di Indonesia," *Jurnal Ilmiah Hukum Dirgantara* 5, no. 2 (2014).

business actors and consumers, regarding the importance of consumer protection. Economic actors realize that they must respect consumer rights by producing quality goods and services, safe for use or consumption, in accordance with applicable standards, and at reasonable prices. Society as an individual organism has life, because social organisms cannot separate themselves from the collective.<sup>5</sup>

Commercial activities carried out by the public using internet media are called electronic commerce or abbreviated as e-commerce.<sup>6</sup> Current advances in information and communication technology make it easier to give and receive information. People can easily communicate without any limitations of distance, space and time. With technological advances, society must also be able to follow all developments that occur.

In accordance with Article 1 of Law Number 8 of 1999 concerning Consumer Protection, it is stated that consumer protection is all efforts to ensure legal certainty to guarantee the use of consumer protection. Referring to the formulation of Article 1 number 1 above, it can be emphasized that legal protection for consumers is an obligation that must be implemented by the state as a constitutional right of citizens to obtain legal protection, legal certainty and justice. Without legal protection, certainty and justice for consumers, legal conflicts can arise between consumers and producers, causing several parties to feel disadvantaged.

Every consumer must receive the same treatment from business actors so that justice is reflected in the human rights of every consumer as regulated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which states that "Everyone has the right to recognition, security, protection and certainty of fair law and being treated equally before the law so that they can receive the same honor and dignity in all transactions. Protecting honor and dignity and recognizing the human rights of legal subjects based on law constitutes legal protection."<sup>7</sup>

## **METHOD**

This research is normative legal research, namely legal research that places law as a building system of norms.<sup>8</sup> Normative legal research is law that is

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<sup>5</sup> C.S.T. Kasil, *Pengantar Ilmu Hukum Dan Tata Hukum Indonesia* (Jakarta, Balai Pustaka, 1986), p. 29.

<sup>6</sup> Ahmad M. Ramli, *Cyber Law Dan HAKI Dalam Sistem Hukum Indonesia* (Bandung: Refika Aditama, 2004). p. 1.

<sup>7</sup> Desry Ary Setyawati, dkk., "Perlindungan Bagi Hak Konsumen dan Tanggung Jawab Pelaku Usaha Dalam Perjanjian Transaksi Elektronik," *Syiah Kuala Law Journal* Vol. 1, No. 3, (Desember 2017): 36.

<sup>8</sup> Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris*, (Yogyakarta: Pustaka Pelajar, 2019), p. 34.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

conceptualized in terms of norms or rules that apply in society.<sup>9</sup> Normative research is a type of library legal research, which means legal research by examining library materials or mere documents.<sup>10</sup> Normative legal research is a process of finding legal rules, legal principles, and legal doctrines to answer observed legal problems, so that in the end it produces arguments.<sup>11</sup> The approach method in this research is the statutory regulations approach (*statue approach*).<sup>12</sup>

## DISCUSSION

### General Overview Of Consumer Protection In Indonesia

Understanding And consumer Term consumer originate from Language Netherlands : Consumer . The experts law on generally agreed that meaning consumer is : “ User end from object And services ( Uiteindelijke Gebruiker van Goederen en Diensten ) submitted to they by entrepreneur ( ondernamer ) ”<sup>13</sup> According to Az. Nasution , understanding consumer is “ Everyone who gets in a way legitimate And use goods or service For something utility certain ”.<sup>14</sup> According to Article 1 number (2) UUPK states that “ Consumer is every user \_ goods and / or services available \_ in society , fine for interest self yourself , family , other people, or creature another life and No traded ”. According to Article 1 number (2) UUPK states that “ Consumer is every user \_ goods and / or services available \_ in society , fine for interest self yourself , family , other people, or creature another life and No traded ”.

Perpetrator business in a way general is a person or body laws that produce goods and / or service with produce goods and / or service the For fulfil need public or consumer with look for profit from goods and / or service the . Constitution protection consumers (UUPK) apparently try avoid use of the word " producer " as against from the word " consumer ". So that the word " perpetrator" is used business ” that has meaning more wide , where term perpetrator business This can means Also creditor ( provider funds ), producers , distributors , sellers And other common terminology given .<sup>15</sup>

According to article 1 number (3) UUPK, referred to perpetrator business is “ Every individual \_ or body business , whether in form body law nor No body

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<sup>9</sup> Abdul Kadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: PT. Citra Aditya Bakti, 2004) p. 40.

<sup>10</sup> Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, (Jakarta: PT. Rajagrafindo Persada, 2017), p. 12.

<sup>11</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Edisi Revisi (Jakarta: Kencana, 2021), p. 47.

<sup>12</sup> Peter Mahmud Marzuki, *Penelitian Hukum*. Cet 2, (Jakarta: Kencana, 2008), p. 29.

<sup>13</sup> Mariam Darus Badruzaman, *Perlindungan Terhadap Konsumen Dilihat Dari Sudut Perjanjian Standar (Standar)*, di BPHN, Simposium Aspek Hukum Perlindungan Konsumen, Bandung: Binabuat, 1986, p. 57

<sup>14</sup> Az.Nasution, *Konsumen Dan Hukum*, Jakarta: Pustaka Ray Hope, 1995, p. 69.

<sup>15</sup> Shidarta, *Perlindungan Hukum Konsumen*, Jakarta: PT Grasindo, 2000, p. 5

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

established law \_ And domiciled or do activity in region law country Republic of Indonesia, OK Alone nor together through agreement organize activity business in various field economy ". With thereby can withdrawn conclusion something the meaning in question perpetrator business is as intended \_ in article 1 number (3) UUPK, namely every individual \_ or body business , whether in form body law nor No body established law \_ And domiciled or do activity in region law country Republic of Indonesia, OK Alone nor together through agreement organize activity business in various field economy . Whereas Consumer is every user \_ goods and / or services available \_ in society , fine for interest self yourself , your family , other people or other living creatures and No For traded.

Protection consumer is all guaranteed effort \_ exists certainty law For give protection to consumer based on existing principles \_ on protection consumer Article 2 UUPK states “ protection consumer based benefits , justice , as well balance , security And safety consumer as well as certainty law ”

In the explanation Article 2 UUPK states protection consumer held as business together based on 5 ( five ) relevant principles in development national , namely :

1. Principle benefit intended For mandate that all effort in maintenance protection consumer must give benefit as big as possible for interest consumer And perpetrator business secra whole .
2. Principle justice intended for participation all over people can realized in a way maximum And give chance keda consumer And perpetrator business For obtain his rights And carry out his obligations in a way fair .
3. Balance intended For give balance between interest consumers , actors effort , and government in meaning material nor spiritual .
4. Principle security And safety consumer intended For give guarantee on security And safety to consumer in use , usage , and utilization goods and / or services consumed \_ or used .
5. Principle certainty law meant to be good perpetrator business nor consumer obey law And obtain justice in maintenance protection consumers , as well country ensure certainty law .

### **Consumer Protection Regulations Based on the Principles of Justice**

Consumer protection law or consumer law can be understood as all legal provisions that regulate the rights and obligations of consumers and producers arising from efforts to fulfill their needs. The word comprehensive is intended to describe that it covers all differences in law according to its type. Therefore, this includes civil, criminal, administrative regulations of the State and provisions of international law. Meanwhile, its scope concerns rights and obligations as well as how to implement them in an effort to meet their needs, especially for consumers, starting from efforts to achieve their needs from producers, including: information,

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

choice, price to the consequences that arise from user needs, for example to obtain compensation for losses.

Based on the Consumer Protection Law, it is expressly stated that consumer rights are as follows:

- a. The right to security, comfort and safety in consuming goods or services,
- b. The right to choose and obtain goods in accordance with the exchange value, conditions and guarantees promised,
- c. The right to correct, clear and honest information regarding the condition and guarantee of goods or services,
- d. The right to have opinions heard, complaints about goods used,
- e. The right to be able to use advocacy, protection and appropriate efforts to resolve consumer disputes,
- f. The right to receive consumer guidance and education,
- g. The right to be treated fairly without discrimination,
- h. Right For get compensation change make a loss or replacement goods If goods No in accordance And No as it should be ,
- i. Other rights regulated in other laws and regulations.

Consumer protection is implemented as a form of joint effort between the community (consumers), economic actors and the government as the maker of laws and regulations relating to consumer protection, this is regulated in Article 2 UUPK. In this case, to seek justice, consumer law applies the principle of justice. The principle of justice aims to ensure optimal participation of all people and provide opportunities for consumers and economic actors to achieve their rights and fulfill their obligations equally. This principle requires that in regulating and enforcing consumer protection laws, consumers and economic actors (producers) can act fairly by obtaining rights and fulfilling their service obligations in a balanced manner. Therefore, UUPK regulates a number of rights and obligations of consumers and business entities.

The balance of protection between economic actors and consumers represents the function of law which according to Roscoe Pound is a tool for controlling social life by balancing the interests that exist in society or in other words a tool for social control. The balance of legal protection between business entities and consumers cannot be separated from the existence of regulations relating to the legal relationships that exist between the parties.<sup>16</sup>

According to Aristotle, justice is a policy related to relationships between humans. The word fair contains more than one meaning. Fair can mean something

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<sup>16</sup>Ahmadi Miru dan Sutarman Yodo, *Hukum Perlindungan Konsumen*, (Jakarta:PT Raja Grafindo Persada, 2008), p. 28.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

that is according to the law, but it can also mean something that is comparable or appropriate. Furthermore, Aristotle classified justice into two types:<sup>17</sup>

1. Justice as a general priority, which gave birth to the concept of general justice ( *iustitia universalis* ),
2. Justice as a special priority, which gave birth to two concepts of justice, namely distributive justice ( *institiadistributiva* ) and communicative justice ( *justitia commulative* ). Justice as a general virtue is obedience or obedience to natural law and positive law. Therefore, the principles of justice can demand a correction in positive law, but cannot eliminate it.

Therefore, as long as humans obey natural law and positive law, it can be said that they have made justice their main priority. Meanwhile, justice as a special priority is characterized by the presence of characteristics, including the existence of good relationships between a person and other people. In terms of profits, efforts must be made to create a balance between one person and another, which in this sense is the (regional) government and its relationship with society.

### **Implementation of Consumer Protection in Increasing the Value of Justice**

Indonesia has ratified the Agreement Establishing the World Trade Organization which includes the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement) and has established Law No. 8 of 1999 concerning Consumer Protection. As a consequence, of course we are committed to implementing it and will always pay attention to consumer protection. However, in practice legal protection for consumers still causes various problems. This problem is influenced by various factors, including: those related to legal structure, legal substance, legal culture and bureaucratic apparatus. In general, the obstacles or barriers faced in implementing the UUPK are: because the level of consumer awareness of their rights is still low; low consumer education; no party has touched on how to prepare Indonesian consumers to face the free market; still weak supervision in the field of standardization of goods quality; weak legislative products; The wrong perception of business actors regarding consumer protection will cause losses.

To overcome these problems, it is necessary to find a solution, including what prerequisites must be met so that the era of free trade for consumers in Indonesia becomes a blessing, rather than a disaster. The steps taken include the following:

1. Trade is based on the principle that business actors and consumers both need and are mutually dependent on each other, whether for short or long periods of time, so balanced legal protection is needed.

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<sup>17</sup>Theo Huijbers OSC, *Filsafat Hukum Dalam Lintasan Sejarah*, (Yogyakarta: Yayasan Kanisius, 1982), p. 65.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

2. This UUPK was formulated with reference to the national development philosophy, namely developing the complete Indonesian human being based on the state philosophy of the Republic of Indonesia, namely Pancasila and the 1945 Constitution.
3. Revise the existing UUPK by always paying attention to the interests of business actors and consumers in a balanced manner, accommodating national and international interests. Legal instruments that protect consumers are not intended to kill business actors, but on the contrary, consumer protection can encourage a healthy business climate that encourages the birth of companies that are strong in facing competition by providing quality goods and/or services.
4. Law enforcement officials must be really serious in monitoring, processing and resolving every violation that occurs by providing strict and appropriate punishments/sanctions to create a deterrent effect for those who commit violations.
5. The law that is formed is a responsive law, so that it can accommodate problems that arise, input from the public relating to legal protection and certainty of the scope of consumer protection.

Implementing consumer protection is part of the functions and duties of the National Consumer Protection Agency, where the consumer protection agency is based in the capital of the Republic of Indonesia and is responsible to the President. The National Consumer Protection Agency provides advice and guidance to the government in efforts to develop consumer protection. The duties of consumer protection agencies are as follows:<sup>18</sup>

1. Providing suggestions and recommendations to the government in the context of formulating policies in the field of consumer protection;
2. Conduct research and study of applicable laws and regulations in the field of consumer protection;
3. Conduct research on goods and/or services that concern consumer safety;
4. Encourage the development of non-governmental consumer protection institutions;
5. Disseminate information through the media regarding consumer protection and promote an attitude of siding with consumers;
6. Receive complaints about consumer protection from the public, non-governmental consumer protection institutions, or business actors;
7. Conduct surveys regarding consumer needs.

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<sup>18</sup>Kelik Wardiono, *Hukum Perlindungan Konsumen*, (Yogyakarta: penerbit ombak, 2014) p. 87.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.17398

To create a healthy economy, increasing consumer dignity requires increasing consumer awareness, knowledge, concern, ability and independence to protect themselves, as well as increasing the attitude of responsible business actors.<sup>19</sup>

The existence of laws that protect consumers is not aimed at destroying businesses; instead, they can create a healthy business environment that fosters resilient companies that compete by providing quality goods and services. Therefore, every economic policy in Indonesia, including the Consumer Protection Law (Law Number 8 of 1999), must be based on Pancasila so that the state does not lose control and remains focused on the welfare of the people. As a national ideology, Pancasila must be explored and formulated to build the Indonesian nation state. Social, cultural and political dynamics can be directed towards the advancement of national prosperity with a good national ideology.

## CONCLUSION

Understanding And consumer Term consumer originate from Language Netherlands : Consumer . The experts law on generally agreed that meaning consumer is : “User end from object And services ( Uiteindelijke Gebruiker van Goederen en Diensten ) submitted to they by entrepreneur ( ondernamer). Perpetrator business in a way general is a person or body laws that produce goods and / or service with produce goods and / or service the For fulfil need public or consumer with look for profit from goods and / or service the

UUPK regulates a number of rights and obligations of consumers and business entities. In regulating consumer protection legal regulations in fulfilling the value of justice in Indonesia today optimally and providing opportunities for consumers and economic actors to achieve their rights and fulfill their obligations equally. The suggestion is that consumer protection law should be more pro-vice and be able to become a foundation for achieving legal protection to increase the value of justice.

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<sup>19</sup>Az. Nasution, *Konsumen dan Hukum*, (Jakarta, Pustaka Sinar Harapan,1995), p . 69

**REFERENCES**

- Nasution, Az. *Konsumen dan Hukum*, (Jakarta, Pustaka Sinar Harapan, 1995).
- Badruzaman, Mariam Darus., *Perlindungan Terhadap Konsumen Dilihat Dari Sudut Perjanjian Standar (Standar)*, di BPHN, Simposium Aspek Hukum Perlindungan Konsumen, Bandung: Binabuat, 1986.
- C.S.T. Kasil, *Pengantar Ilmu Hukum Dan Tata Hukum Indonesia* (Jakarta, Balai Pustaka, 1986).
- Desry Ary Setyawati, dkk., "Perlindungan Bagi Hak Konsumen dan Tanggung Jawab Pelaku Usaha Dalam Perjanjian Transaksi Elektronik," *Syiah Kuala Law Journal* Vol. 1, No. 3, (Desember 2017): 36.
- Fajar, Mukti dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris*, (Yogyakarta: Pustaka Pelajar, 2019).
- HS, Salim dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, (Jakarta: PT. Rajagrafindo Persada, 2017).
- Kristiyanti, Celina Tri Siwi., *Perlindungan Hukum Konsumen*, Jakarta: Sinar Grafis, 2008.
- Marzuki, Peter Mahmud., *Penelitian Hukum*, Edisi Revisi (Jakarta: Kencana, 2021).
- Marzuki, Peter Mahmud., *Penelitian Hukum. Cet 2*, (Jakarta: Kencana, 2008).
- Miru, Ahmadi dan Sutarman Yodo, *Hukum Perlindungan Konsumen*, (Jakarta: PT Raja Grafindo Persada, 2008).
- Muhammad, Abdul., *Hukum dan Penelitian Hukum*, (Bandung: PT. Citra Aditya Bakti, 2004).
- Ramli, Ahmad M., *Cyber Law Dan HAKI Dalam Sistem Hukum Indonesia* (Bandung: Refika Aditama, 2004).
- Shidarta, *Perlindungan Hukum Konsumen*, Jakarta: PT Grasindo, 2000.
- Sinaga, Niru Anita., "Implementasi Perlindungan Konsumen di Indonesia," *Jurnal Ilmiah Hukum Dirgantara* 5, no. 2 (2014).
- Theo Huijbers OSC, *Filsafat Hukum Dalam Lintasan Sejarah*, (Yogyakarta: Yayasan Kanisius, 1982).
- Wardiono, Kelik., *Hukum Perlindungan Konsumen*, (Yogyakarta: penerbit ombak, 2014)