

LEGAL CERTAINTY FOR CONSUMERS WHICH IS DAMAGED BY BUSINESS ACTORS

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Abstract

The growth of humans to meet the needs of life, then business actors compete in creating a product of goods or services, to meet the needs of human life. This study uses an empirical juridical approach in other words legal research Sociological, namely examining the applicable legal rules and what happens in society, we often encounter when shopping, there are many rules made by business actors that are detrimental to consumers, consumers should in shopping or using services be treated well and get their rights as consumers. Despite the fact that the consumer protection law No. 8/1999 on consumer protection has been issued, which guarantees the rights of consumers. sometimes ignored by the perpetrators of Law No. 8 of 1999 concerning the protection of business consumers and sadly, consumers act indifferently in fighting for the rights that must be obtained by consumers who have been protected by law.

Keywords: Protection, Consumers, Entrepreneurs

A. Background

The increasing number of human growth to meet the needs of life, the business actors are competing in creating a product or service, to meet the needs of human life. then also the emergence of a sharper level of competence. Increasingly fierce competition brings demands on product quality and efficiency levels that are increasingly¹. Intense communication often occurs between consumers and business actors, not infrequently we encounter when shopping there are many rules made by business actors that harm consumers , for example 1) no price list 2) prohibited from trying products 3) goods purchased cannot be exchanged 4) Complaints are served 1x24 hours 5) when we park the vehicle, the parking ticket is often found with the words "Motor lost is not our responsibility" and many other rules that we can meet in everyday life. Where should consumers in shopping or using services be treated well and get their rights as consumers .

Despite the fact that the consumer protection law number 8 of 1999 concerning consumer protection has been issued, which guarantees the rights of consumers. sometimes ignored by business actors and sadly consumers also act indifferently in fighting for the rights that must be obtained by consumers who have been protected by law.

For example, the author interviewed 100 boarding house children with a case when shopping for instant noodles at a grocery store or supermarket, after arriving home, the instant noodles were opened. Of the 100 respondents, 98 people answered that they would leave it alone, and 2 people answered that they would return it to the shop or supermarket they bought. Now from the small research that the author did, there is still a lack of public participation in protecting their rights as consumers whose rights should have been protected by Article 4 of Law Number 8 of 1999 concerning Consumer Protection.

The Consumer rights are :

1. the right to comfort, security, and safety

in consuming goods and/or services;;

2. the right to choose goods and/or services and

to obtain such goods and/or services in accordance

¹Ali Mansyur, dan Irsan Rahman. *Penegakan Hukum Perlindungan Konsumen Sebagai Upaya Peningkatan Mutu Produksi Nasional*, Jurnal Pembaharuan Hukum Volume II No. 1 Januari - April 2015 Hal 2.

conditions and guarantees

promised;

3. the right to correct, clear and honest information regarding

the conditions and guarantees of goods and/or services ;

4. the right to have their opinions and complaints heard on the

goods and/or services used;

5. the right to obtain proper advocacy, protection, and

efforts to resolve consumer protection disputes ;

6. guidance and education

consumer;

7. the right to be treated or served correctly and

honestly and not discriminatory ;

8. the right to obtain compensation, compensation and/or

replacement, if the goods and/or services

received are not in accordance with the agreement or not

properly;

9. rights regulated in the provisions of other laws and regulations .

When consumers do not protest, it is easy for business actors to commit fraud repeatedly. Business actors should realize protection for consumers as an attraction for consumers so that the products produced are accepted by consumers.

B. Research Question

1. To find out legal certainty for consumers who are harmed

C. Research Method

The method used in this research is a sociological juridical approach, namely an approach to the problem through legal research by looking at the legal reality in practice, then connecting it with the facts that exist from the problem to be studied.

D. Discussion

1. Legal certainty for consumers who are harmed by business actors

The legal system as a system of rules applicable in the Indonesian state is such a complex and extensive regulatory system, consisting of legal elements, where one legal element is mutually exclusive. interrelated, influence each other”and complement each other.² In developments in the business world, there are many mistakes, both intentional and unintentional, by business actors, which often harm consumers. When the consumer feels disadvantaged in reporting to the business actor, the consumer often gets unpleasant treatment.

² Panji Adam Agus Putra. *KEDUDUKAN SERTIFIKASI HALAL DALAM SISTEM HUKUM NASIONAL SEBAGAI UPAYA PERLINDUNGAN KONSUMEN DALAM HUKUM ISLAM*. *Jurnal Ekonomi dan Keuangan Syariah* Vol.1 No. 1 Januari 2017 Hal. 150-165 Online ISSN : 2540-8402Hal 159 .

When the consumer wants to get his rights, he is even trapped by rules that are not stated beforehand, for example, the purchased goods cannot be exchanged if there is no agreement or writing in the store. As for the writing, it is made very small in the bottom corner of the receipt so that it cannot be read by consumers. There are several business actors who make tricks so that consumers cannot complain. In fact, we often hear the slogan "consumer is king" which in reality seems to be fading. Let alone being treated by the king, as consumers, they are often victims compared to business actors. In order for the position of consumers to look strong and equal, a law was born that regulates consumer protection.

In Consumer Protection Act Article 29 paragraph 1 of Law No. 8 of 1999 concerning consumer protection it is stated that "the government is responsible for fostering the implementation of consumer protection which guarantees the acquisition of consumer rights and business actors as well as the implementation of the obligations of consumers and business actors.

The Principle Consumer Protection 1. Benefit Principle; mandates that all efforts in the implementation of consumer protection must provide the maximum benefit to the interests of consumers and business actors as a whole, 2. The principle of justice; participation of all people can be realized maximally and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations' fairly, 3. The principle of balance; provide a balance between the interests of consumers, business actors, and the government in a material and spiritual sense, 4. Principles of Consumer Security and Safety; provide guarantees for security and safety to consumers in the use, and utilization of goods and/or services that are consumed or used; 5. The principle of legal certainty; both business actors and consumers obey the law and obtain justice in the implementation of consumer protection, as well as the state guarantees legal³

In Article 3 of Law No. 8 of 1999 concerning consumer protection Aims: to:

- a. increase awareness, ability and independence to protect themselves; b. elevating the dignity of consumers by preventing them from the negative excesses of the use of goods and/or services. increasing the empowerment of consumers in choosing, determining, and demanding their rights as consumers; d. create a consumer protection system that contains elements of legal certainty and information disclosure as well as access to information; e. raise awareness of business actors regarding the importance of consumer protection so as to grow an honest and responsible attitude in doing business; f. improve the quality of goods and/or services that ensure the continuity of the business of producing goods and/or services, health, comfort, security and safety of consumers.

The main cause of consumer weakness which the author discusses in the background is the level of consumer awareness of their rights is still low. This is mainly due to the low price of goods and the complicated or time-consuming Complaint Process, which is why it

Explicitly it stated in Protection Law The: Business actors in offering goods and/or services intended to be traded are prohibited from offering, promoting, advertise or make false or misleading statements regarding: a. the price or tariff of an item and/or service; b. the use of goods and/or services; c. conditions, dependents, guarantees, rights or compensation for goods and/or services; d. offer discounts or attractive prizes offered; e. the dangers of using goods and/or services

a lot of what we find in minimarkets, the prices listed do not match the prices paid at the cashier, when consumers know that many of them choose to be silent and don't ask "why are the prices different". What the business actor does is clearly detrimental to consumers.

Even though the consumer protection law has been around for a long time, which is the legal umbrella for consumers, consumers are not yet aware of it. There are still many consumers who think this law is really needed when they are in trouble with the law., then consumers are treated unfairly and how to fight for their rights

The elements of law, where the elements of law are interlinked with each other, influence each other and complement each other. In developments in the business world, there are many mistakes, both intentional and unintentional, by business actors, which often harm consumers. When the consumer feels disadvantaged in reporting to the business actor, the consumer often gets unpleasant treatment. When the consumer wants to get his rights, he is even trapped by rules that are not stated beforehand, for example, the purchased goods cannot be exchanged if there is no agreement or writing in the store. As for the writing, it is made very small in the bottom corner of the receipt so that it cannot be read by consumers. There are several business actors who make tricks so that consumers cannot complain. In fact, we often hear the slogan "consumer is king" which in reality seems to be fading. Let alone being treated by the king, as consumers, they are often victims compared to business

³ <https://bpkn.go.id/uploas/documnt/p99427398FAQs.pdf> dl ases tanggal 25 Maret 2022 pukul 23.10 WIB

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Even though the consumer protection law has been around for a long time, which is the legal umbrella for consumers, consumers are not yet aware of it. There are still many consumers who think this law is really needed when they are in trouble with the law. In fact, if consumers are more concerned with their rights as regulated by law, then consumers are treated unfairly and how to fight for their rights.

E. Conclusion

Legal certainty for consumers has been protected by Law No. 8 of 1999 is a strong legal footing for consumers who are harmed. Although the consumer protection law has been issued for a long time, the public does not know about consumer protection, it is hoped that the relevant government will be diligent in conducting socialization or counseling to the public.

⁴ <https://bpkn.go.id/uploads/document/99427398FAQs.pdf> dl ases tanggal 20 Juni 2022 pukul 23.10

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