

Forms of Legal Protection for Consumers in the Perspective of Law Number 8 of 1999

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ABSTRACT

Legal protection for consumers has the purpose of providing protection for consumers in Indonesia. Sometimes conflicts between business actors are based on things that were unexpected by consumers beforehand. The laws and regulations governing consumer protection in Indonesia explain that the term "consumer" is any person who uses goods/services available in society, either for the benefit of themselves, parents, family, or other life needs. Law Number 8 of 1999 concerning Consumer Protection provides various forms of protection for consumers through the determination of the rights of consumers, business actors, sanctions for violations and settlement of disputes between business actors and consumers.

Keywords: Legal Protection, Consumers, Transactions.

INTRODUCTION

According to the Great Dictionary of the Indonesian Language, the meaning of the word consumer is as opposed to a producer, namely a user of industrial goods, foodstuffs, and so on. A consumer is literally "a person who needs, spends, or uses :p emakai or a killer[1] Consumer protection is all regulations or laws that govern the rights and obligations of consumers and producers. Consumer rights are regulated in the Consumer Protection Law Number 8 of 1999 concerning Consumer Protection. [3] Among them are the right to own goods, the right to compensation, to obtain appropriate goods and services, to receive the truth of all information and services without discrimination. [4]

The laws and regulations governing consumer protection in Indonesia, explaining the term "consumer" as a formal juridical definition are found in article 1 number 2 of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as the UUPK). The UUPK states that "Consumers are every person who uses goods and/or services that are available in society, either for the benefit of themselves, family, other people or other living beings and not for trade"[5].

The scope of consumer protection can be distinguished in two aspects, namely:3 a. Protection against the possibility of goods being handed over to consumers is not in accordance with what has been agreed. b. Protection against the imposition of unfair conditions on consumers. [6] Consumer protection law aims to provide protection for consumers in Indonesia. According to the General Provisions of Law Number 8 of 1999 concerning Consumer Protection, the definition of consumer protection is "All efforts that ensure legal certainty to provide protection to consumers". [7]

Consumers are defined not only as individuals (people), but also as a company that is the buyer or last user. As for the interesting thing here, consumers do not have to be bound in a buying and selling relationship so that consumers are not identical to buyers. The formulations of various provisions show a very diverse understanding of consumers, each provision has advantages and disadvantages. It seems that a more zero-

tolerance legal treatment with the addition of such protection, is a consideration of the need to distinguish from the consumer. In general, it is obtained in consumer markets, and consists of goods or services that are generally used in the community's household[8].

In daily life, sometimes things happen that have a negative impact on consumers in various transactions, so there is a law that regulates legal protection for consumers. Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Law) is the main legal basis in Indonesia that regulates the protection of consumer rights and the obligations of business actors. The law aims to protect consumers from unfair business practices, ensure consumer rights are protected, and create a fairer and more transparent market. [9]

RESEARCH METHODS

Methodology essentially provides guidelines, about ways to study, analyze and understand the object it is researching. Methodology is an absolute element in a research[10] The research method used in this journal article to discuss a predetermined problem is using normative research methods. Normative Legal Research is legal research that is conducted by researching literature materials or secondary data. [11] According to Peter Mahmud Marzuki, normative legal research is a process to find a rule of law, legal principles, and doctrines in law to answer the legal issues faced[12]. In this type of legal research, law is often conceptualized as what is written in laws and regulations or laws are conceptualized as rules or norms that are benchmarks for human behavior that are considered appropriate [13].

In this study, the author uses a normative juridical law research approach, which is research that is focused on examining the application of rules or norms in positive law, namely laws and regulations, legal theories related to the problems to be discussed. According to Johnny Ibrahim, there are 7 (seven) approaches in normative legal research, namely: "Statute approach, concept approach (conceptual approach), analytical approach (analytical approach), comparative approach (comparative approach), historical approach (historical approach), philosophical approach (philosophical approach), and case approach (case approach)". The research specification in this study is analytical descriptive research. Descriptive means that in this study the author intends to describe and describe in detail, systematic and comprehensive everything related to legal aspects that need to be considered related to the problem to be studied. [14]

RESULTS AND DISCUSSION

Legal Protection for Consumers

Consumers are in a weak position, therefore consumers must be protected and respected by laws whose nature and purpose is to provide protection or protection to society. Article 1 of the Consumer Protection Law which reads "Consumer protection is all efforts that ensure legal certainty to provide protection to consumers."

More specifically, Article 8 of the UUPK prohibits business actors from trading goods/services that are not in accordance with the promises stated in the labels, etiquette, descriptions, sales advertisements or promotions of goods and/or services. Based on this article, the inconsistency of the specifications of the goods you receive with the goods listed in the advertisement/photo of the goods offer is a form of violation/prohibition for business actors in trading goods. [15] Therefore, consumers in accordance with Article 4 letter H of the UUPK are entitled to compensation, compensation and/or reimbursement if the goods and/or services received are not in accordance with the agreement or are not as they should be. Meanwhile, the business actor himself according to Article 7 letter g of the PK Law is obliged to provide compensation, compensation and/or reimbursement if the goods and/or services received or utilized are not in accordance with the agreement. If business actors do not carry out their obligations, business actors can be punished based on Article 62 of the UUPK,[16] which reads "business actors who violate the provisions as referred to in Article 8, Article 9, Article 10, and Article 18 shall be punished with a maximum penalty of 5 years or a maximum fine of Rp. 2,000,000,000 (two billion rupiah).

Therefore, regarding consumer protection, this has a broad scope including consumer protection in obtaining goods and services, starting from the stage of activities to obtain goods and services to the consequences of using those goods and services. The enactment of the UUPK is intended to be a strong legal foundation for the government and non-governmental consumer protection institutions to carry out consumer empowerment efforts through consumer coaching and education and protect the interests of consumers and encourage a healthy business climate that encourages the birth of resilient companies in the face of quality competition[17].

The following are the forms of legal protection for consumers according to Law No. 8 of 1999:

1. Consumer Rights Law No. 8 of 1999 regulates various consumer rights that must be respected and protected by business actors. These rights include:

- a. The right to Security and Safety Consumers have the right to goods and services that are safe to use and do not endanger their health or safety. Business actors are obliged to ensure that the products sold meet the set safety standards.
- b. The right to Information Consumers have the right to get true, clear, and honest information about the goods and services to be purchased. This includes information about the product's quality, price, how to use, and risks.
- c. Right to Vote Consumers have the right to choose goods and services according to their needs and preferences without any pressure or fraud.
- d. Right to Be Heard Consumers have the right to submit complaints or complaints about goods or services that are unsatisfactory or not in accordance with the agreement.
- e. Right to Indemnity Consumers are entitled to compensation or compensation if they suffer losses due to non-conforming or defective goods or services.

2. The Obligations of Business Actors or Producers Law No. 8 of 1999 also stipulates the obligations that must be fulfilled by business actors to protect consumer rights, including:

- a. Obligation to Provide Clear Information: Business actors are obliged to provide accurate and clear information about goods and services, including price, quality, and how to use.
- b. Obligation to Guarantee Quality: Business actors must ensure that the goods and services they offer meet the quality and safety standards that have been set.
- c. Obligation to Respect Consumer Rights: Business actors must respect consumer rights, including the right to file complaints and obtain compensation.
- d. Obligation to Comply with the Agreement: The business actor is obliged to fulfill all the provisions listed in the consumer agreement or contract.

3. Sanctions and Law Enforcement for Producers

Law No. 8 of 1999 also stipulates sanctions for business actors who violate consumer protection provisions. The sanctions are as follows:

- a. Administrative Sanctions Administrative sanctions are sanctions imposed on administrative violations or administrative provisions of the law[18]. Business actors who violate the provisions may be subject to administrative sanctions such as written warnings, fines, or revocation of business licenses.
- b. Criminal Sanctions Criminal sanctions are a punishment of cause and effect, because it is the case and the consequences are the law, the person affected will get sanctions either in prison or other punishments from the authorities. Criminal Sanctions are a type of sanctions that are threatened or imposed against the acts or perpetrators of criminal acts or criminal acts that can interfere or endanger legal interests. Criminal sanctions are basically a guarantee to rehabilitate the behavior of the perpetrators, but it is not uncommon for criminal sanctions to be created as a threat to human freedom itself. Crime is suffering or misery that is deliberately imposed on a person who commits an act that meets certain conditions[19].

Certain violations may be subject to criminal sanctions in accordance with applicable provisions, such as fines or prison sentences.

- c. Indemnity Indemnity is the first civil law sanction This sanction is the most common sanction in civil law, namely the obligation to pay compensation to the party harmed by the violation[20]. Consumers have the right to claim compensation for losses suffered as a result of default or violation of their rights.

4. Complaints and Dispute Resolution Law No. 8 of 1999 provides a mechanism for consumers to file complaints and resolve disputes:

- a. Consumer Dispute Resolution Agency (BPSK): This law regulates the establishment of BPSK as an institution that can resolve disputes between consumers and business actors quickly and efficiently through mediation or arbitration.
- b. Consumer Complaints: Consumers can file complaints with business actors or BPSK if they feel that their rights are violated or suffer losses. Law No. 8 of 1999 also emphasizes the importance of education and counseling to consumers and business actors to increase understanding of the rights and obligations of each party. It aims to create a more transparent and fair market.

CONCLUSION

In conclusion, Law Number 8 of 1999 concerning Consumer Protection provides various forms of legal protection to consumers through the determination of consumer rights, obligations of business actors, sanctions for violations, and dispute resolution mechanisms. With this law, it is hoped that consumers can feel safer and more protected in their business transactions, while business actors can operate within a clear and fair legal framework.

ADVICE

For consumers who feel aggrieved in all types of business transactions, they can take legal channels in a non-litigation or litigation as stipulated in Law Number 8 of 1999 concerning Consumer Protection.

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