

## **A Sociological Approach to Consumer Protection in E-Commerce Transactions During the Covid-19 Pandemic**

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### **ABSTRACT**

This article uses a sociological approach to discuss consumer protection in the sales system through e-commerce during the covid-19 pandemic. This study aims to provide legal certainty to consumers by highlighting consumer protection laws and the role of the government in protecting people who make transactions in e-commerce. This article is juridical-normative research. This article uses qualitative data that is a literature study. In this case, two types of data are used: primary and secondary data. Primary data includes Law Number 8 of 1999 concerning Consumer Protection. At the same time, secondary data is obtained from library sources such as books, scientific articles, theses, dissertations, research reports, internet websites, and other data sources. Miles et al. used the qualitative data analysis technique, namely data condensation, data presentation, and concluding. The analysis results show that the consumer protection law does not only apply to consumers but to everyone who transacts in it. Consumer protection is very much needed to maintain security and provide convenience for sellers and buyers in carrying out economic transactions in the covid-19 pandemic. The role of law in consumer protection following the Consumer Protection Law Number 8 of 1999 provides efforts to ensure legal certainty to protect consumers.

Keywords: Consumer Protection, E-Commerce, Law

### **ABSTRAK**

Artikel ini membahas tentang perlindungan konsumen dalam sistem penjualan melalui *e-commerce* di masa pandemi covid-19 menggunakan pendekatan sosiologi. Penelitian ini bertujuan untuk memberikan upaya kepastian hukum kepada konsumen dengan menyoroti undang-undang perlindungan konsumen serta peran pemerintah dalam melindungi masyarakat yang melakukan transaksi di *e-commerce*. Artikel ini merupakan penelitian yuridis-normatif. Artikel ini menggunakan data kualitatif yang bersifat studi pustaka. Dalam hal ini ada dua jenis data yang digunakan yaitu data primer dan data sekunder. Data primer meliputi Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. Sedangkan data sekunder diperoleh dari sumber yang bersifat pustaka seperti buku, artikel ilmiah, skripsi, disertasi, laporan penelitian, website internet dan sumber data yang lainnya. Teknik analisis data yang digunakan adalah teknik analisis data kualitatif Miles dkk yaitu kondensasi data, penyajian data, dan penarikan kesimpulan. Hasil analisis menunjukkan bahwa hukum perlindungan konsumen bukan hanya berlaku untuk konsumen saja melainkan semua orang yang bertransaksi di dalamnya. Perlindungan konsumen sangat dibutuhkan karena demi menjaga keamanan dan memberikan kenyamanan penjual dan pembeli dalam melakukan transaksi ekonomi dalam pandemic covid-19. Peranan hukum dalam perlindungan konsumen sesuai dengan UU Perlindungan Konsumen Nomor 8 Tahun 1999 memberikan upaya yang menjamin adanya kepastian hukum untuk memberikan perlindungan kepada konsumen.

Kata Kunci: Perlindungan Konsumen, *E-Commerce*, Hukum

## **INTRODUCTION**

Along with the development of Financial Technology (Fintech) which is characterized by a human style that is increasingly dominated by technology (Witro et al., 2021). The development of the fintech industry cannot be separated from economic development, one of which is e-commerce (online-based) (Izazi et al., 2021; Pambudi, 2019; Rasidin et al., 2020). The higher the human population, the higher the needs must be met, such as the need for services and goods by consumer demand, with facilities such as e-commerce as a solution to meet increasingly high human needs. E-commerce is a medium used by service and goods providers with consumers. Then the opportunity to expand social networks is higher and provides business opportunities electronically (Aco & Endang 2017).

The development of e-commerce is a phenomenon that all human beings cannot avoid because it is an alternative that makes it easier to meet daily needs (Yusuf et al., 2020). The COVID-19 pandemic has caused restrictions on activities that must be done online. Various technological developments have implications for the economic system, one of which is the influence on trade in the electronic/e-commerce system (Nidaul Khasanah et al., 2020, p. 19). In this case, online transactions require protection to ensure security and the absence of losses and fraud in conducting transactions. The Law on Consumer Protection Number 8 of 1999 states that all efforts to ensure legal certainty are to protect consumers. Therefore, the scope of consumer protection can be seen from how to get goods and services to the consequences that will arise (Musta'idah et al., 2021).

During the COVID-19 pandemic, most people carry out their activities online as well as online trading transactions (e-commerce) which are starting to develop rapidly so that they can easily change people's lifestyles by using e-commerce platforms to meet the needs of life. Many consumers make online purchases without going to the market or shopping places, wasting time and energy (Sidqi et al., 2021). A good business opportunity for sellers, so you don't have to bother making transactions on the spot directly. The positive effects distributed during the COVID-19 pandemic have implications for business people who develop their business through e-commerce so that it can be seen from one of the impacts felt for the community, namely being able to help open businesses by staying at home and helping the economy in Indonesia (Ika Purnama et al., 2021).

E-commerce is a form of technological development and electronic transactions regulated by Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) (Ministry of Communication and Informatics, 2016). The Indonesian government continues to support the development and encourage the existence of a digital economy based on industry and online trade (e-commerce) by using mastery facilities in the field of information and communication technology (Information and Technologies/ICT) (Kemenperin.go.id, 2017). In practice, online sales have similarities with direct sales. The difference in buying and selling can be seen in using and utilizing digital technology so that without meeting face-to-face, they can make and enter into agreements in buying and selling.

Judging from the development of buying and selling through e-commerce, it became a trigger for the government to provide support so that on July 21, 2017, the Presidential Regulation (Perpres) was enacted on the Road Map of the Electronic-Based National Trading System (e-Commerce Road Map) for 2017-2019. Article 1 explains that what is meant by the 2017-2019 Electronic-Based National Trading System Roadmap (e-Commerce Roadmap), hereinafter referred to as the 2017-2019 SPNBE Roadmap, is a document that provides directions and steps for the preparation and implementation of trade whose transactions are based on a set of electronic tools and procedures. Aims to advance the economy by encouraging the expansion of global community economic activities.

The development of e-commerce has both positive and negative implications. On the positive side, it can be felt by increasing the economy through online commerce, which makes it easy and efficient for consumers and business actors. On the negative side, it is related to the security of transactions through e-commerce seen from the juridical point of view with legal certainty. From fraud committed by business actors such as incompatibility of products offered, inaccurate time estimates in delivering goods ordered goods cannot be checked by consumers directly, legal business subjects and product information that is not clear, in interacting there is no security reserve, transactions cross-country is a matter of which state law is used (Barkatullah, 2017, p. 40).

Legal protection is protection given to legal subjects, both preventive (legal subjects are allowed to object to government decisions) and repressive (aims at resolving disputes through legal institutions) (Tampubolon, 2016). Consumer protection is highly expected to maintain consumer safety in transactions per Law Number 8 of 1999 concerning Consumer Protection.

Research on consumer protection has been carried out by Wulandari, discussing legal protection for consumers against e-commerce buying and selling transactions (Wulandari, 2018). In his research, he explained that efforts to protect consumers there are two kinds of legal action, namely international legal actions, which are resolved using ADR (Alternative Dispute Resolution), and national legal actions, which can be referred to as legal actions carried out in Indonesia only which are completed through the non-litigation path. Sepdianto discusses the sociological juridical review of electronic buying and selling (e-commerce) (a review of consumer protection) (Sepdianto, 2016). In essence, the research explains consumer protection which is carried out through the activeness of consumers in conducting transactions such as through chat and asking the validity of the goods to be purchased to avoid defects in the products purchased. And if there is a dispute, it can be done through compensation for the default, and if it goes through litigation, it will be by the rules in force in the country. Rohendi researched consumer protection in e-commerce transactions from a national and international legal perspective (Rohendi, 2015). In his research, he explained that the UUPK and UU ITE have been able to provide rules on consumer protection so that they can protect consumers in buying and selling transactions in e-commerce.

From some of the studies above, there are similarities with the author's research. Namely, both discuss consumer protection. However, there are also differences in this study, which focuses more on sociological studies on consumer protection. In this case, the sociological approach can be used as a way to understand consumer protection in the sales system via e-commerce. The sociological approach is a way to describe the state of society, both from a social perspective and about the structure of the social strata. Human diversity is a phenomenon that must be studied by providing a point of view from each side to get good answers and solutions to what is being questioned (Khoiruddin, 2014). The focus of the sociological approach is to focus on social processes and the social structure of society. Therefore, in more detail, sociology is a science that understands the state of society in terms of structure or other social layers, with a sociological approach capable of providing impetus to the occurrence of relationships, as well as all the beliefs that form the basis of the process (Sarhini, 2020).

Therefore, this article discusses consumer protection in the sales system through e-commerce during the COVID-19 pandemic using a sociological approach. This study aims to provide legal certainty to consumers by highlighting consumer protection laws and the role of the government in protecting people who make transactions in e-commerce.

## **RESEARCH METHOD**

This article is juridical-normative research. This article uses qualitative data from a literature study (Soekanto & Mamudji, 2006, p. 24). Although using qualitative data, the research does not ignore or abandon quantitative data to build or strengthen the qualitative database. In this case, two types of data are used, namely primary and secondary data. Primary data includes Law Number 8 of 1999 concerning Consumer Protection.

In comparison, secondary data is obtained from library sources such as books, scientific articles, theses, dissertations, research reports, internet websites and other data sources related to the topics discussed, namely consumer protection. Data is obtained or collected by reading, studying, and understanding library materials that have been collected. The data analysis technique used is Miles et al.'s qualitative data analysis technique, namely data condensation, data presentation, and drawing conclusions (Miles et al., 2014).

## **RESULT AND DISCUSSION**

### **Consumer Protection Overview**

Nowadays, consumer protection law is important and must be applied because it concerns the safety and welfare of the community in conducting economic transactions. The rules that protect consumers are very important to the government because of the government's role in regulating and controlling all movements made by the community (Soleh, 2020).

Consumer protection aims to increase the important role of consumers and their dignity in the economy because, indirectly, consumer protection will be a driving force for producers to do business with responsibility and provide certainty by producing products according to the expected quality. Judging from the current economic development, efforts to protect it need to be realized immediately by prioritizing all aspects of the community in conducting economic transactions (Kristiyanti, 2022, p. 5).

According to Az Nasution, as quoted by Kristiyanti, explaining that the rules and legal principles in protecting consumers, whether written or not, must be clear and applied officially according to applicable rules such as commercial law, civil law, and international law relating to safety, consumers, and state administrative law (Kristiyanti, 2022). In good business activities, consumer protection ensures the safety and provides justice to consumers who make buying and selling transactions. The weak position of consumers requires the granting of rights to them to stand in the economy. In realizing a balance, two interests must be considered, namely the balance between consumers and business actors who carry out buying and selling transactions in e-commerce; therefore, the role of the government is very important to provide safety and security in transactions (Hamid, 2017, p. 4).

A sociological approach can be used in looking at the balance between consumers and actors in a social context. The study of sociology discusses the reciprocal study of what happens in society in various aspects of life. The science that discusses society is sociology, in which there is a discussion of social structure, social processes and social changes that occur in society (Adi, 2012, p. 1). A. H. Maslow, as quoted by Roni, explained that in the study of sociology, the community needs several needs, such as food, shelter, clothing, the safety of self and property, self-esteem, self-actualization, and love (Roni, 2021). Of these five needs, people are required to be able to fulfil them so that they become an important basis in living life.

## **Consumer Protection in Sales System through e-Commerce**

In general, e-commerce is a transaction of selling goods or services that use electronic media to connect buyers and sellers. Therefore, the use of electronics is the choice for most people because it provides convenience in doing things, especially for business people who can be used to transact to make profits and improve the economy. The practice of e-commerce is growing so rapidly that it has become a solution to meeting the needs of life without being complicated (Wulandari, 2018).

Technological developments greatly affect various fields, both in the field of trade and other rights (Zarfi, 2022). During the last three years, it can be seen that of the 16,277 e-commerce businesses, around 71.18% started their business through the internet, and the rest continued to sell directly. During those three years, many people used to sell online. The strong driving factors are convenience provided, convenience in transacting, and a way out for businesses that have land to make direct sales (Bps.go.id, 2020).

In law, the position of e-commerce is located in the field of civil law, which is included in contract law (Rohendi, 2015), and applies to article 1320 of the Civil Code regarding agreements, namely " for a valid agreement to occur, four conditions need to be met: 1. their agreement which binds him; (KUHPerd. 28, 1312 etc.); 2. the ability to make an engagement; (KUHPerd. 1329 etc.); 3. a certain subject matter; (KUHPerd. 1332 etc.); and 4. a cause that is not forbidden (KUHPerd. 1335 etc.)". Whereas in the Sharia Economic Law Compilation (Center for Islamic Economic Law Studies (PPHIM), 2019, p. 19), article 20 regulates the contract agreement that the agreement in an agreement between two or more parties to perform and or not to perform certain legal acts. The compilation of sharia economic law adheres to God's rules in the Qur'an and Hadith (Budiman, 2020; Hotman & Handayani, 2021).

According to article 1, paragraph 1, UUPK states that " consumer protection is " all efforts that guarantee legal certainty to provide protection to consumers". Meanwhile, according to Az. Nasution as quoted by Mantri, said that consumer protection law is a basis and guide that can maintain and control all things related to consumers, regarding the use of products or their provision in people's lives (Mantri, 2007).

According to Nurmanto, as quoted by Rongiyati that there are several ways to regulate legal protection for consumers, namely (Rongiyati, 2019): 1) There is legal certainty by creating a consumer protection system and accurate information regarding access to its use; 2) it is necessary to have two protections applied, namely consumer protection and protection for business actors in their interests; 3) Increase the production value of both services and goods because this greatly affects the business or business; 4) The existence of protection for consumers from transactions carried out or all business practices that can harm such as fraud and other crimes; and 5) Unifying the regulation, development, and implementation of legal protection for consumers in their respective fields.

According to John F. Kennedy, as quoted by Zulham, four consumer rights must be protected (Zulham, 2017):

1. The right to safety. This aspect is very important for consumer protection. Government intervention is needed to provide security for consumers, such as stipulating laws and regulations to guard against things that harm consumers.
2. The right to choose. The right to choose is the consumer's prerogative in making transactions.
3. The right to be informed. Every information and description of the goods to be purchased becomes the consumer's right because complete information provides satisfaction in conducting transactions so that they do not feel cheated or lied to.

4. The right to be heard. Consumers' voices also need to be heard and paid attention to because complaints and input from consumers are the material for improving the products produced.

### **Consumer Protection Law Resources**

Sources of consumer protection law are not only *UUPK*, but there are several that handle other consumer protection, namely (Suwandono & Dajaan, 2015, pp. 21–25):

1. Law no. 8 of 1999 concerning Consumer Protection, In particular, consumer protection has been regulated in Law no. 8 of 1999 since April 20, 1999, is a law that becomes the legal umbrella in protecting, supervising, and providing convenience in conducting transactions. Law No. 8 of 1999 concerning Consumer Protection includes 65 articles that explain consumer protection in detail.
2. Consumer Protection Law in Civil Law, Consumer protection law in civil law is contained in the Civil Code (*KUH Perdata*), the Commercial Code (*KUH Dagang*), and National Legislation, classified as private law. Civil law does not specifically explain consumer protection, but the Criminal Code explains the rules regarding the relationship between business actors.
3. Consumer Protection Law in Public Law, The law that regulates the relationship between the state and individuals or the state and other equipment. Public law relations in the consumer framework are criminal law, international law, state administrative law (HAN), and civil/criminal procedural law.

Consumer protection movements already existed at the beginning of the 19th century. New York became the first place for the formation of the Consumer League in 1891. Then in 1891, the National Consumer's League was also formed in the United States. This country is a provider of input and donations regarding consumer protection. In 1903 began to grow and develop to reach 64 branches of the organization. In the economic, legal, political and social fields, the United States is the object of study. The number of discussions regarding consumer protection regulations and strengthening the position of consumers (Zulham, 2017).

In Indonesia, the consumer protection movement has begun to grow and is popularly seen as a pioneer of consumer advocacy. The consumer protection movement became popular on May 11, 1973, exactly 48 years ago, with the formation of YLKI (Indonesian Consumers Foundation), an independent and non-profit community organization. The existence of YLKI is an effort to care for the consumer crisis for their obligations and rights in seeking protection for themselves, the environment, and their families. The background regarding the establishment of YLKI is that the community has a serious concern, so it requires protection for consumers against the use of domestic products. At that time, there was a promotion in domestic industrial products. Its establishment aims to increase awareness of the importance of consumer protection (Ylki.or.id, n.d.). In 1988, to be precise, in Semarang, LP2K (consumer protection and development agency) was one of the consumer protection organizations that year and joined as a member of "Consumers International/CI" in 1990 (Rudy et al., 2019).

### **Legal Protection Efforts for Consumers**

In carrying out legal protection for consumers, the government makes several efforts in accordance with the Consumer Protection Law Number 8 of 1999 Article 3 concerning the objectives of consumer protection, namely: a) increasing consumer awareness, ability and independence in protecting themselves; b) elevating the dignity of consumers by preventing them from negative access to the use of goods and/or services; c) increasing the empowerment of consumers in choosing, determining, and demanding their rights as consumers; d) creating a consumer protection system that contains elements of

legal certainty and information disclosure as well as access to information; e) growing awareness of business actors regarding the importance of consumer protection so that an honest and responsible attitude grows 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.

There are two kinds of efforts to obtain legal protection before conducting transactions there. The first legislation is a legal protection that has been established and has been made by the government, such as UUPK no. 8 of 1998; the second, Voluntary self-regulation, is a law made by business actors themselves to avoid losses for both business actors and consumers so that they can be careful in conducting transactions (Gunawan, 1999, p. 3).

The next legal effort is to resolve consumer disputes. Namely, there are two ways. 8 of 1999.

1. Litigation, The legal basis for filing a lawsuit in court is contained in Article 38 paragraph 1 of the ITE Law and Article 45 paragraph 1 of the UUPK. In Article 38 paragraph 1 of the ITE Law, it is stated that "Anyone can file a lawsuit against the party that organizes the Electronic System and/or uses information technology that causes losses", while in Article 45 paragraph 1 of the UUPK it is stated that "Every consumer who is harmed can sue business actors through an institution tasked with resolving disputes between consumers and business actors or through courts within the general judiciary.
2. Non-litigation, by article 47 of the UUPK that "Consumer dispute resolution out of court is held to reach an agreement on the form and amount of compensation and/or regarding certain actions to ensure that the loss will not happen again or will not happen again".

In conducting consumer transactions, it is recommended to be more careful to avoid fraud and losses. It is not only the government that provides protection, but the consumer must take part in protecting themselves. Consumers play an active role in making safety from unwanted things. Therefore, consumer protection efforts are very important to encourage legal awareness for consumers and business actors to be responsible.

### **A Sociological Approach to Consumer Protection in the Sales System through e-Commerce during the Covid-19 Pandemic**

During the COVID-19 pandemic, online is a solution for people to carry out activities. This is because the COVID-19 pandemic has various impacts on human life, such as the political, social, religious, political, economic, and so on (Busni et al., 2021; Sidqi & Witro, 2021). One significant impact that has had a significant impact is the economy (Busni et al., 2022). Moreover, the sector plays a role in meeting the needs of human life. Therefore, the presence of e-commerce in society can be used as an e-commerce platform to carry out activities either as a businessman or a consumer. In this case, e-commerce provides adequate services for the community, including comfort, trust and responsibility.

In creating a healthy economy, it is necessary to have consumer protection to make it an absolute requirement in balancing the protection of businessmen and consumers. It is a challenge to provide consumer protection because protecting consumers is the same as protecting the whole community. It can be seen that the community is the executor of the building and a source of capital for improving the economy.

Viewed from the sociological side, the law that applies to the community regarding consumer protection is from the country's legal structure. The legal structure that serves as consumer protection is that there are six institutions, namely the Ministry of Trade, the National Consumer Protection Agency (BPKN), the Non-Governmental Consumer Protection Agency (LPKSM), the Consumer Dispute Resolution

Agency (BPSK), the Central Agency for the Study of Drugs and Food (LPPOM) MUI, and the Food and Drug Supervisory Agency (BPOM/BBPOM). The six institutions can be a solution for the community in finding solutions to problems regarding consumer protection and providing security for the community, and benefiting the public (Maulidia, 2019). So there are several sources of news regarding consumer complaints in table 1:

**Table 1. Consumer Complaint Data**

Year	In Percent	Number of Consumers
2020	95%	4.855
2021	95,3%	8. 949

**Source:** Bisnis.Com and Merdeka.Com

It can be seen from several cases during the covid-19 pandemic, as reported on Bisnis.com, that there were several complaints to the ministry of commerce, which was dominated by e-commerce activities in 2020. There were around 4,855 consumers who complained, or equivalent to 95% of the total complaints. Complaints that often occur include refunds, ticket cancellations, and returns of goods that do not match the transactions made or are damaged, or the e-commerce platform application is not functioning properly. Overall, the government has succeeded in handling complaints from consumers with settlements that can be categorized as receiving clarifications from business actors to consumers, holding mediation, or being resolved directly between consumers and business actors. Complaints will be closed if, within ten working days from the consumer side, there is no perfecting supporting data, and if consumers complain to the police or the Consumer Dispute Settlement Agency (BPSK), then it will be handled by the agency (Bisnis.com, 2021).

Meanwhile, in 2021, consumer complaints will increase as reported by Merdeka.com, that as many as 8,949 consumer complaints or around 95.3% of complaints from the commercial sector in e-commerce are due to electronic transactions increasingly intensive, especially during the COVID-19 pandemic. During the January-December 2021 period, WA (Whatsapp) became the place for most complaints by consumers, then the second most common channel was via e-mail, and most governments were able to protect the public. According to the Ministry of Trade Veri Anggrijono – Director General of Consumer Protection and Orderly Commerce – solving consumer problems is the government's responsibility and a manifestation of the government's presence in protecting Indonesian consumers by creating orderly business actors and empowered consumers. The government's success in solving consumer problems is a good value for people who have trusted the government in carrying out their responsibilities as protectors of society (Bisnis.com, 2022).

The success made by the Ministry of Trade in providing security for consumers, in the case above, can be an example that the government can provide security for the community. In the reciprocal relationship for the community from the rules of consumer protection, namely the security obtained from the protection so that consumers who enter into contractual agreements in e-commerce can feel. The establishment of consumer protection is very important because it is not only consumers involved in it, but all who participate in the transactions carried out. Activities that trigger fraud and losses must be investigated immediately according to applicable regulations. Consumer protection grows due to the public's awareness to get legal protection.

In this case, the government's role is very important in protecting the community, and the government must still improve consumer protection to establish comfort and security for the community. So the establishment of the law aims to regulate and secure fraud in entering into trade agreements in e-



commerce. As for transacting in e-commerce, it must be by the applicable concept, not detrimental to the consumer or the seller. So the nature of prudence in making transactions is one solution for consumers to be more careful and thorough, such as looking at product ratings and product descriptions, as well as seeing several assessment columns and comments from consumers who have made transactions to make it clearer about the quality of the goods to be purchased.

## CONCLUSION

Consumer protection law does not only apply to consumers but to all people who transact in it. Consumer protection is very much needed to maintain security and provide convenience for sellers and buyers in conducting economic transactions in the covid-19 pandemic. The role of law in consumer protection by the Consumer Protection Law Number 8 of 1999 provides efforts to ensure legal certainty to protect consumers. A sociological study of consumer protection efforts can be seen by looking at the awareness of the community to get legal protection. The success of consumer protection agencies in providing protection is evidence of the government's responsibility to protect its people.

The implications of this research are expected to protect the knowledge of legal principles regarding the protection and provide legal certainty to consumers who conduct transactions in e-commerce so that consumers can find out and take the right steps to experience injustice or loss. The limitation of this research is that there is no direct study (field research) of the object under study due to the limited time and energy to do it. Therefore, it is recommended that further research be conducted to sharpen the understanding and knowledge of consumer protection.

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