

# THE ROLE OF THE GOVERNMENT IN PROVIDING CONSUMER PROTECTION IN THE EXECUTION OF THE SALE AND PURCHASE OF GOODS THROUGH THIRD PARTIES

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**Abstract:** *Implementation sell buy more advanced make humans too \_ do developments inside \_ implementation trade . The previous trade done only with two party , now sometimes man need party third in trade . Party third this is what it is liaison between party seller with party buyer . Third Party Service Providers must provide consumer protection . The role of government is to hold accountable for the actions of parties third . them through enforcement actions, regulatory requirements, and vetting. Producer must request party thirdly to comply with consumer protection requirements for the functions performed.*

*Method research For study This is with use method study normative juridical where more study law from various studies bibliography and research existing regulations . \_*

*Government Role in transaction trades made through party third only as supervision and coaching course , but in supervision and coaching that , the government give various type mandatory regulations party followed third that so you can ensure maintenance protection consumer .*

**Key words :** *protection consumers , parties third , role government*

## BACKGROUND

Technology more and more information proceed make change habit in transact sell buy . Previously habit public transact with method buy and sell in a manner direct or exists meeting between seller and buyer . Now transaction That become online transactions, do not meet him seller and buyer in a manner direct However through technology connected information with internet. Online transactions now made method frequent trades done by society era now in Indonesia.<sup>4</sup>

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Implementation sell buy more advanced make humans too do developments inside implementation trade . The previous trade done only with two party , now sometimes man need party third in trade . Party third this is what it is liaison between party seller with party buyer .

Inside a number of opportunity , parties buyers and sellers even No meet The same once and only meet with party third . Inside case case like This so party third must ensure about appropriateness goods or services provided are appropriate with that paid by the buyer and also in accordance with the price given by the seller .

In cases like This can happen a number of thing sometimes can harm consumer at the time implementation . For example at the time happening consumer buy inside a supermarket food , apparently purchased food it 's expired or for example service cable tv service provided return to party third , This it turns out service provided No in accordance with request consumer to a cable tv service provider . this need clarity where consumers need given protection so that No loss consequence from error party third .

Third Party Service Providers must provide consumer protection . The role of government is to hold accountable for the actions of parties third . them through enforcement actions, regulatory requirements, and vetting. Producer must request party thirdly to comply with consumer protection requirements for the functions performed.

Manufacturers are also in matter This need protected Because No manufacturers do overall matter the . Lots true cases can detrimental and even No give protection to consumer .

Objective from study This is study and understand accountability party third in connection consumers and producers . Study This take a topic that supports practice sustainability where sustainability here is he continued connection consumers and producers as well as enter role government in protect consumer so that No exists faith bad that happened from connection law that happened .

Inside development , trade Good goods nor service growing . Development This make deed the law that was carried out also developed from before deed law only done between two party but now appeared addition party third which is intermediary between party first and party second . Party intermediary This often do occasional acts harm consumer as buyer . Government in matter This role For protect consumer from follow party third disadvantage consumer . as it should be party third This responsible answer on the resulting losses . Objective from study This is For study and understand role government and responsibilities answer party third in protection consumer .

## RESEARCH METHODS

Study is something activity scientific , which is based on method , systematics and thinking specific , purposeful For learn One or a number of

symptom law particular , with road analyze it . Except that , then also held in - depth examination to fact law such , for Then try something solving on internal problems the <sup>5</sup>symptoms concerned . Approach used in study This is method approach juridical normative ,<sup>6</sup> study juridical normative discuss doctrines or principles in knowledge law .<sup>7</sup> Approach juridical normative that is approach law with see the rules , fine material primary law as well material law secondary or approach to problem with method see from facet applicable laws and regulations , Research this is also trying give answer accountability party third in protection to consumer

## DISCUSSION

According to Article 1 point 2 of the Law about Protection Consumers , consumers is every user goods and or available services in society , fine for interest self themselves , their families , other people and creature life other and no For traded . kindly literally , consumers have understanding as user goods and or services produced \_ manufacturers , meanwhile producer interpreted as producer goods and or services consumed by other parties or consumer . Consumer in a manner literally can interpreted as “ a person or something money buying company goods certain or use service certain ” or “ everyone who uses goods or services ”.<sup>8</sup>

Consumer terms originate from English \_ that is *consumer* or in Dutch *consument / Consumer* . kindly the literal meaning of the word consumer is ( vs from manufacturers ) everyone who uses goods and/ or services . <sup>9</sup>Az. Nasution interpret consumer is “ Every user goods or service For need self alone , family or House stairs , and no For produce goods or other services or trade it back .<sup>10</sup>

Indonesian consumer protection law Article 1 point 3 states that perpetrator business is every person or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or do activity within the jurisdiction of the Republic of Indonesia , either alone nor together through agreement organize business activities in various field economy . In the explanation stated that perpetrator the intended effort in understanding This are companies , cooperatives , BUMN, corporations , importers, traders , distributors, and others.

<sup>5</sup>Roni Hanitijo Soemitro , Method Legal and Jurimetric Research , Ghlmia Indonesia, 1988, p . 43.

<sup>6</sup> *Ibid.* , p . 43

<sup>7</sup> Zainudin Ali, *Method Legal Research* , Sinar Graphics , Jakarta, 2009, p . 24

<sup>8</sup>Sri Lestari Ningsih , *Protection Consumer To Misleading Advertisement* , Thesis , Semarang: Diponegoro University , 2001, p . 34

<sup>9</sup> Sutarman Yodo , *The Law of Protection Consumers* , Jakarta: Raja Grafindo Persada , 2014, p . 35.

<sup>10</sup>Wahyu Sasongko , *Provisions Fundamentals of Protection Law Consumers* , Bandar Lampung: University of Lampung, 2007, p . 54



Protection consumer is terms used For describe protection given law to consumer in his efforts For fulfil need from detrimental things consumer That alone . Protection consumer own very broad coverage , covering protection to goods and/ or starting service from get goods until come to the results from usage goods and/ or service the .<sup>11</sup>

If analyze role government in give protection to consumer in activity transact sell buy goods , then approach must use approach accountability government . In matter this , Government will requested accountability in a manner civil , which is inside law civil accountability for become two category , that is accountability based on guilt and accountability based on risk . Accountability based on error This can interpreted that party must responsible answer Because he has do error previously caused loss for party another , meanwhile For accountability based on risk also known as not quite enough answer absolute ( *strict liability* ), that is responsibility imposed in a manner automatic to one party Because considered something adverse event party else , can prevented by the parties the Because his power or Because risk his efforts .<sup>12</sup>

Inside Article 2 of the Law about Protection Consumers in Indonesia, mentioned that protection consumers in Indonesia must based benefit , fairness , balance , security , and safety consumers , as well certainty law . Following is a number of description :

#### **1. Principle Benefit**

Principle This state that in all maintenance protection consumer , then protection the must held with Meaning give benefit profusely for interest consumers and actors business in a manner thorough

#### **2. Principle Justice**

Then in principle This is what justice means is in form participation public For can give contribution in a manner maximum on protection consumer the without see background behind , fine That consumer nor perpetrator effort . Then principle this also guarantees exists chance to consumers and actors business For obtain rights and carry out his obligations in a manner fair .

#### **3. Principle Balance**

Principle balance This is must aspect embodied For can give equality between interest consumers , actors business and government in the sense of material , formal , and also spiritual.

#### **4. Principle Security and Safety Consumer**

Principle This intended For give guarantee security and safety to consumer in use , use , and utilization goods and/ or services consumed or used .

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<sup>11</sup> Zulham , *Protection Law Consumers* , Jakarta: Kencana Prenada Media, 2013, p . 27

<sup>12</sup>Jhon Pieris and Wiwik Sri Widiarty , *Country of Law and Protection Consumers* , Jakarta: Pelangi Scholar , 2007, p . 19.

## 5. Principle Legal Certainty

Then what is meant with principle This is good order perpetrator business nor consumer must obey law and gain justice in organize protection consumers , as well as the state guarantees certainty law from perpetrator business nor consumer That Alone Because exists risks imbalance between consumers and actors effort .


From description the principles above This then you can seen that role government as state representation is with materialize principles This can held in a manner ok . government role This in a manner automatic be not quite enough answer absolutely borne by the government . Especially regarding buy and sell goods . In case buy and sell goods , there are interesting thing For researched more continue . position between perpetrator businesses and consumers in buy and sell goods can changed depends has or not yet money transfer is made . When the money has been given to perpetrator effort , then position consumer become change below \_perpetrator businesses and actors business have chance ( if No bond good ) for do deed disavow promise . However , This on the contrary if precisely perpetrator business deliver especially formerly items that have promised , with condition like This so position from perpetrator business be below consumer . Inequality within implementation transaction buy and sell it is very vulnerable For violate principle security and safety consumer as well as principle balance .<sup>13</sup>

If arise inequality and faith bad at either party held in a manner concrete , then will arise internal dispute transaction buy and sell this . Government No Can in a manner necessarily do intervention inside dispute such , because That role government must held before exists dispute with system supervision . government role as supervisor is important function , because without exists supervision so consumer nor perpetrator business No can protected in a manner maximum . Regulations issued by the government is possible guarantee push consumer nor perpetrator business For can bond good ( *good faith by coercion* ). Government become provider umbrella law at a time enforcer . Because of the size power from government this , then protection consumer can run in a manner maximum Good before emergence dispute nor when dispute That happened . because it , inside Article 2 of the Government regulation on Guidance and Supervision Administration Protection Consumers , stated that government responsible answer on construction and protection guaranteed consumer he got right consumers and actors effort . Whereas in matter supervision , set inside Article 7 Government regulation on Guidance and Supervision Administration Protection Consumers who stated that supervision the implemented by the government together with society and institutions protection consumer self-subsistent society .

The role of the Government should also be responsible answer in a manner absolute to maintenance protection consumer can reviewed from facet rights and responsibilities he replied . Based on Consumer protecion law state a number of matter as following :

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<sup>13</sup> Look Sudaryatmo , *Law and Advocacy Consumers* , Bandung: Citra Aditya Bakti , 1999, p . 84

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1. Government responsible answer on coaching maintenance protection guaranteed consumer he got right consumers and actors business as well as implemented obligation consumers and actors effort ;
  2. Development by the government on maintenance protection consumer as referred to in paragraph (1) is carried out by the Minister and/ or technical Minister related ;
  3. Minister as meant paa paragraph (2) do coordination on maintenance protection consumers ;
  4. coaching protection consumer as referred to in paragraph (2) includes effort for :
    - a. creation climate effort and emergence healthy relationship between perpetrator businesses and consumers ;
    - b. development institution protection consumer self-subsistent society ;
    - c. increasing quality source Power man as well as increasing activity research and development in the field protection consumer

Then government also has role For increase welfare and prosperity demanding society For exists enhancement to protection consumers so they can fulfillment need food nor maintenance health , treatment , and precaution diseases caused by products sold by the offender \_ effort . Protection If look at the tree the problem , then protection consumer For transaction buy and sell through party third moment it's very concrete relate with Organizer System Transaction Electronics ( *E-Commerce* ). Moment This transaction buy and sell related goods with party third through Organizer System Transaction Electronic set inside Government regulation concerning Organizer System and Transaction Electronics and Law about Information and Transactions Electronics . Based on Article 48 paragraph (3) Government regulation concerning Organizer System and Transaction Electronics and Law about Information and Transactions Electronics explained that in facet management , the Government oblige party third the For make contract electronics , which is inside contract electronic the at least must load things as following ; party identity data ; object and specifications ; condition Transaction Electronics ; prices and costs ; procedure in matter there is cancellation by the parties ; conditions that provide right to aggrieved party \_ For can return goods and/ or request replacement product If there is disabled hidden ; and choice law settlement Transaction Electronics .

Then inside Article 49 paragraph (1) Government regulation concerning Organizer System and Transaction Electronics and Law about Information and Transactions Electronics also emphasized that Businesses that offer product through System Electronic must provide complete and correct information related with condition contracts , manufacturers , and products offered . On verse next more confirmed Again that Mandatory Entrepreneurs give clarity information about offer contract or advertisement . Then came question that How If goods for party consumer No in accordance with what was promised . More continue inside

Article 49 paragraph (3) Government regulation concerning Organizer System and Transaction Electronics and Law about Information and Transactions Electronics , explained that Mandatory Entrepreneurs give limit time to consumer For return goods sent if No in accordance with agreement or there is disabled hidden . Besides second provision above , if it turns out received goods No in accordance with photo in ad the online store ( as form offer ) , we can also sued Business Actor ( in matter This is seller ) separately civil with pretext happening default on transaction sell buy what you do with seller .

Through second regulation legislation the become bright and clear that role Government in transaction trades made through party third only as supervision and coaching course , but in supervision and coaching that , the government give various type mandatory regulations party followed third that so you can ensure maintenance protection consumer .

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