

LEGAL PROTECTION EFFORT AGAINST CONSUMERS REGARDING ELECTRONIC TRANSACTION VIOLATIONS DURING THE COVID-19 PANDEMIC

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ABSTRACT

The development of technology has made all forms of life easy for humans. One of the technological advances is the existence of internet technology. The presence of e-commerce provides convenience that is very, very useful for consumers. In connection with the economic problems that resulted in the decline in the economy during the COVID-19 pandemic, in this case, it gave rise to new crimes and the level of criminalization in society was increasing. Fraud cases in electronic transactions are one of the crimes commonly committed on social media or e-commerce. The purpose of this paper is to find out the legal protection for consumers regarding violations of electronic transactions during the covid-19 pandemic. Legal protection for consumers due to violations including fraud through electronic transactions during the covid-19 pandemic is regulated through the provisions in the Indonesian Criminal Code, which is contained in Article 378 concerning Fraud and its provisions in the ITE Law as these regulations have regulated relating to an electronic transaction that is in Indonesia, this clause is part of positive law in Indonesia that can be used as an effort to protect the law

KEYWORDS *Legal Protection; Violation; Electronic*



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INTRODUCTION

Buying and selling is the oldest social interaction in the world. Since ancient times, buying and selling has become a link between one another, even from one country to another. Buying and selling even became one of the supporters of the development of civilization in the past, when ancient trade routes and large markets became a gathering place for people from all over. If in the past buying and selling was the same as the meeting of sellers and buyers in a certain area that had been

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determined, now buying and selling has a broader meaning. Understanding the market is no longer limited to space and time, but is limited to the meeting of sellers and buyers on the same occasion and in the same place (Pembayun et al., 2021).

Advances and developments in technology have made all forms of life easy for humans. Including participating in their efforts to meet the needs of daily life. One of the technological advances is the existence of internet technology . According to Ahmad M. Ramli, the rapid development of internet technology has changed people's lives and human civilization in general. The influence of the development of the internet has made the world unlimited and has caused great social changes. Ahmad M. Ramli, *Cyber Law and Intellectual Property Rights in the Indonesian Legal System* (Bandung: PT Refika Aditama, 2004).

Internet technology has a huge impact on the world's economic sectors. The internet brings the global economy into a new system known as digital economics or the digital economy. Internet is no longer a new thing in the era of technological progress and development. The rapid progress in this digital era has brought many life changes for some people in Indonesia. This pattern of life occurs in almost all fields, social, cultural, commercial and others. In terms of business, the internet is starting to be widely used as a medium for business activities, mainly because of its involvement and efficiency Riyeko Ustadiyanto, *E-Commerce Framework* (Yogyakarta: ANDI, 2001).

E-commerce is a platform used in doing business electronically via the internet or buying and selling goods or services through digital communication channels (Adi Nugroho, 2006). People have started to use online media platforms to do business during the pandemic so that they can still be productive even if only at home. Currently, marketing and business systems are very popular in the community through social media such as Facebook, Instagram, Line and also e-commerce and other markets.

Presence e-commerce provides its own advantages for consumers, because consumers do not need to go out to buy the desired goods, in addition to the choice of different goods/services at relatively low prices. This situation is both a positive and a negative challenge. This is said to be positive, because this condition will benefit consumers who are free to choose the goods/services they want. Consumers have the freedom to determine the class and quality of goods/services according to their needs. This is said to be negative, because this condition causes the consumer's position to be weaker than that of the entrepreneur, which can lead to disappointment and loss (Happy Susanto 2008). Especially during a pandemic like this, the increase in crime in the community makes it difficult for law enforcement officers to solve any cases. Therefore, this research is important because fraud in online media is still rampant during the Covid-19 pandemic Nur Fika Ramadhani Zulkifli, (2021)

Concerns due to the spread of the Covid-19 virus do not stop in various parts of the world Sutra Day Disemadi, (2021) Regarding the problem of the economic crisis caused by the economic collapse during the COVID-19 pandemic, in this case, it has given rise to new problems, namely increasing crime in the community. One of the causes is the increasing unemployment rate and the number of job losses that have occurred due to the COVID-19 pandemic. In this case, a new form of

crime committed during the COVID-19 pandemic, one of which is fraud in an electronic transaction Sri Mulyeni and Abdurakhman Alhakim, (2022)

Many irresponsible people use online shopping platforms to commit crimes on social media. People who commit these crimes do so purely for their own benefit. The most common crimes committed in electronic transactions, such as e-commerce, are fraud. The fraud is usually in the form of goods that turn out to be fake, falsification of the identity of the seller, deceiving buyers by not sending the goods being traded, and so on. This is unavoidable because these elements are constantly trying to find loopholes in doing business on social media (Fika Ramadhani Zulkifli, 2021).

Literature research shows that fraud on electronic means is a crime committed by a person or group of people when the perpetrator commits a crime that violates the laws and regulations. Then his actions have been proven to violate the law and must be legally responsible for the punishments and threats given by the law H Sofwan Jannah and M. Naufal, (2012)

The progress of criminal law in the field of fraud in electronic transactions gave rise to Law Number 19 of 2016 concerning Information and Electronic Transactions. The Electronic Information and Transaction Law in principle regulates the procedures for using electronic media in public activities. Although Indonesian law already regulates the separation of criminal acts from information fraud and electronic transactions, this does not mean protecting victims. Crime is driven by many factors like economy, associations, current opportunities and so on. These factors that occur in Indonesia have a negative impact, many people do bad things just to meet their needs.

Based on the problems described above, the author wants to know how the legal protection efforts for consumers regarding electronic transaction violations during this covid-19 pandemic.

METHOD RESEARCH

The method used in this research is the normative legal research method. It is a procedure of scientific research which is used to find truth based on the scientific logics from the normative aspect. The normative research is a process in finding the law, the legal principles, or the legal doctrines to answer the legal issues being faced. The normative legal research is carried out to produce new argumentations, theories, or concepts as the prescription in solving the problems being faced

RESULTS AND DISCUSSION

1. Legal Protection for Consumers Regarding Electronic Transaction Violations

Indonesia as a legal state which in regulating society should need a rule to avoid the occurrence of social inequalities between these communities, which system is called the legal system Eko Pratama Sinaga and Abdurrahman Alhakim (2022) The practice of law and society shows that society is connected

with a rule and order. The emergence of a legal system in society will have positive and negative impacts. Positive and negative to the impact that arises depends on how the community thinks in responding to it [Aulia Putri Fadhila, \(2021\)](#). No exception during the Covid-19 pandemic, the emergence of a new regulatory system that was formed because of the COVID-19 pandemic made many people feel depressed.

In particular, the parties buy and sell goods online. The seller is a person who offers products through the internet, therefore the seller is obliged to provide true and honest information about the products he offers to buyers or consumers. Sellers/traders have the right to receive payments from buyers/consumers for the goods they sell and are entitled to protection from the actions of buyers/consumers who have malicious intentions to make purchases and sales electronically [Edmon Makarim, Telematics Law Compilation \(Jakarta: Gravindo Persada, 2008\)](#).

E-commerce transactions are carried out by stakeholders, even though the parties do not meet in person but communicate through online social media. The parties in principle make purchases and sales electronically, each has rights and obligations, the seller/trader is the party who offers the product via the internet, so the seller is responsible for providing accurate and correct information about the product offered to the buyer or consumer.

One of the obstacles in implementing an e-commerce system is the payment mechanism via the internet [Indrajid, E-Commerce: Business Tips and Strategies in the Virtual World \(Jakarta: PT. Elex Media Komputindo, 2001\)](#). The online payment mechanism must also cover all or part of the payment flow phase used. This change in interaction also requires attention to improve the security of e-commerce payment methods to make it more secure and secure. Therefore, as a supporter of the successor to e-commerce transactions, intermediaries (third parties) are needed for security, identification and verification.

Article 9 of the ITE Law explains that business actors who offer products through an electronic system must provide complete and correct information regarding contract terms, producers, and products offered. Then in Article 10 paragraph (1) of the ITE Law, it is obligatory that every business actor conducting Electronic Transactions must be certified by a Reliability Certification Agency. Not only that, in the implementation of e-commerce, the organizers of the Agent Electronics must pay attention to the following principles: a. prudence; b. security and integration of Information Technology systems; c. security control over Electronic Transaction activities; e. cost effectiveness and efficiency; and f. consumer protection in accordance with the provisions of the legislation.

Furthermore, specifically for the obligations of business actors in e-commerce transactions according to Article 49 PP Number 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, namely: 1) Business Actors who offer products through Electronic Systems are required to provide complete and correct information related to contract terms, , manufacturers, and products offered; 2) Business Actors are required to provide clear information on contract offers or advertisements; 3) Business

actors are required to give consumers a time limit to return the goods sent if they are not in accordance with the agreement or there are hidden defects; 4) Business Actors are required to submit information regarding the goods that have been sent. 5) Business Actor cannot burden consumers regarding the obligation to pay for goods sent without a contract basis.

Furthermore, the provisions of Article 12 paragraph (3) of the UUIITE explain that anyone who violates the provisions regarding obligations in electronic transactions, is responsible for all losses and legal consequences that arise. This means that everyone is responsible for all losses caused by violations committed through electronic transactions. Parties conducting Electronic Transactions must act in good faith in the interaction process during the transaction. Then for the parties conducting Electronic Transactions, they must use the agreed Electronic System.

In addition, there is a policy that violations of electronic transactions are considered as criminal acts of fraud as regulated in Article 378 of the Criminal Code concerning Fraud which reads that it regulates actions intended to benefit oneself or others by using a false name or dignity, by deceit or by lying to deliver something. value to him, then he is threatened for committing fraud with a maximum sentence of 4 (four) years (Rahmanto, 2019).

The policy of imposing criminal acts against criminals must have several elements of a crime so that a person can be said to be a convict, some of these elements have been regulated in Article 378 of the Criminal Code on Fraud which consists of the following elements:

- 1) Subjective elements: a. With intent or met het oogmerk in this case has bad or bad intentions or intentions; b. For the purpose of benefiting oneself or others in this case seeking profit by taking advantage of the conditions of community needs; c. Against the law or wederrechtelijk in this case with actions that are against the law or without the permission of the owner concerned.
- 2) Objective elements: a. Whoever in this case is the perpetrator; b. Motivate another person so that the other person submits an object, enters into a debt agreement, eliminates a debt; c. By using a false name, a false position, deceit, and a string of lies PAFLamintang, *Fundamentals of Indonesian Criminal Law* (Bandung: PT. Citra Aditya Bakti, 1997)..

2. Obstacles in Law Enforcement Regarding Electronic Transaction Violations During the Covid-19 Pandemic

Indonesian law enforcement officials are now having difficulty dealing with the spread of cybercrime. This can be seen from the increasing number of crimes in electronic transactions in e-commerce. The establishment of an ITE Law whose purpose is not to be separated from criminal politics is seeking social welfare and community protection. However, an evaluation of this policy is still needed if there are weaknesses in its implementation. Law enforcement officials in Indonesia often find it difficult to handle cases of criminal acts of electronic transactions (Disemadi 2021).

At least the knowledge of law enforcement officers plus the means and Inadequate infrastructure in each area makes law enforcers not responsive in

anticipating criminal acts that occur, as a result, after the community becomes victims of criminal acts of fraud, the community also becomes victims of law enforcement officers who are not reliable enough in handling these cases.

The response of law enforcement to community reports is still very low. Law enforcement officials often say without further investigation that no crime was intentional. So far, the complex law enforcement bureaucracy has become an obstacle for law enforcers in tackling cyber crimes. Messages are often answered with an unsympathetic approach. This bureaucratic and anti-critical attitude makes law enforcement a separate part of society. Under these conditions, cooperation between law enforcement officers and the community in the law enforcement process is impossible. Efforts to detect and combat fraudulent crimes using e-commerce are not easy. Apart from the lack of public understanding and awareness of the crime of information technology fraud, people are more interested in the nominal value and profits of the products they sell.

Professors of Undip Perkasa, Nyoman and Bambang explained based on the results of research related to obstacles in law enforcement against criminal acts of e-commerce-based fraud, including: 1) Digital Evidence, finding digital evidence that remains a difficult suggestion because it requires good skills and infrastructure appropriate to obtain such evidence; 2) Differences of opinion, disagreements between law enforcement officers regarding the interpretation of cybercrime that occur when the public, investigators, prosecutors, and judges apply articles that affect the settlement of cases and are legal for victims seeking justice, bringing a lot of uncertainty; 3) Skills of Investigators In general, Polri investigators are still lacking in both quantity and quality. Therefore, training is needed to train police investigators to understand and master the techniques of cybercrime perpetrators; 4) Public Awareness and Attention, public awareness and concern for reporting cybercrime cases to the police is still very low. Some people think it's okay because they lost a little money and therefore hesitate to report it. They also assume that the process will cost more money than the losses incurred. In fact, in the case of cybercrime, citizens need to file a report to the police to help law enforcement officers eradicate perpetrators who roam in cyberspace.

If you look at the current legal basis, law enforcement officers use the Criminal Code, the Criminal Code, the ITE Law and other related laws as the legal basis for regulating these matters. In its application in many articles that apply to perpetrators, it gives rise to many interpretations for law enforcement officers, so that in its application a special article is needed for controlling electronic transaction violations, especially fraud in e-commerce which can be included in the ITE Law.

For example in Article 28 Paragraph (1) of the ITE Law states that "Everyone intentionally and without rights spreads false and misleading news that results in consumer losses in Electronic Transactions." Meanwhile, Article 378 of the Criminal Code states that "Anyone with the intention of unlawfully benefiting himself or another person, by using a false name or false dignity, by deceit, or a series of lies, moves another person to hand over something to him,

or to give something to him. debts or write off receivables, are threatened with fraud with a maximum imprisonment of four years.

Based on the provisions of Article 28 Paragraph (1) of the ITE Law and Article 378 of the Criminal Code, it can be seen that both regulate different things. Article 378 of the Criminal Code regulates fraud, while Article 28 Paragraph (1) of the ITE Law regulates fake news that causes consumer losses in electronic transactions. However, Article 28 (1) of the ITE Law does not require the existence of an element of self-interest or the interests of others as regulated in Article 378 of the Criminal Code concerning fraud, so to prove it is still considered difficult or even multi-interpreted for police officers in ensnaring perpetrators of electronic transaction violations, especially fraud in e-commerce. Therefore, more specific provisions are needed to be included in the ITE Law as a valid regulation to ensnare perpetrators of electronic transaction violations, especially fraud in e-commerce.

Technological progress is said to be being discussed very quickly in its development so the above barriers should be minimized. Therefore, a more progressive legal regulation is needed to overcome these obstacles. Finally, law enforcement efforts to combat e-commerce fraud work in synergy with an involved community and law enforcement officers that are democratic, transparent, accountable, and focused on the human rights of civil society, so we can only hope that this is actually possible so that the creation of civil society with social justice for all Indonesian people

CONCLUSION

Based on the results of research on the effect of school image, academic quality and service quality on student learning motivation and student satisfaction as a mediating variable in Adventist high schools in North Sulawesi, it can mean:

School Image Variable has a positive but not significant effect on Student Satisfaction. This shows that although school image has a positive correlation, it is not enough to influence student satisfaction.

School Image Variable has a positive and significant effect on Student Learning Motivation. This shows that the better the image of the school, the more motivated a student is to learn.

Variable Student Satisfaction has a positive and significant effect on Student Learning Motivation. This concludes that the higher the student satisfaction, the higher the student's motivation to learn.

Academic Quality Variable has a positive and significant effect on Student Satisfaction. This shows that good school academic quality will increase student satisfaction.

Academic Quality Variable has a positive and significant effect on Student Learning Motivation. This indicates that the higher the student's perception of the school's academic quality, the higher the student's motivation to learn.

Service Quality Variable has a positive and significant effect on Student Satisfaction. This shows that the higher the quality of school services to students, the higher student satisfaction with the school. If the Service Quality is improved Student Satisfaction will also increase.

The Variable of Service Quality has a positive and significant effect on Student Learning Motivation. It is concluded that if the quality of service at the Adventist High School in North Sulawesi increases, it will also increase student learning motivation.

School Image Variable has a positive but not significant effect on Student Learning Motivation through Student Satisfaction as a mediating variable. This means that student satisfaction cannot mediate school image on student learning motivation.

School Image Variable has a positive and significant effect on Student Learning Motivation through Student Satisfaction as a mediating variable. This indicates that student satisfaction can mediate the school image variable on student learning motivation. This means that the higher the student satisfaction, the higher the student learning motivation.

The Variable of Service Quality has a positive and significant effect on Student Learning Motivation through Student Satisfaction as an intervention variable. This concludes that high perceptions of student satisfaction can mediate service quality on student learning motivation

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