

# ONLINE BASED BUSINESS PARTNERSHIP CONSUMER PROTECTION

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## **Keyword**

*Consumer Protection, Partnership, Online Business*

## **Abstract**

The internet has brought the world economy into a new chapter that is more popularly known as the digital economy. Its progress has a positive impact in facilitating product marketing so that it can save costs and time. In business, there is a partnership between business actors and e-commerce. The type of research is normative legal research. Using a legislative approach and a case approach. Collecting legal materials by recording and documenting primary legal materials, namely laws and regulations, secondary legal materials such as books, articles. Using a deductive method, namely from general to specific. The descriptive method is by describing or explaining problems, providing reviews, views, and solutions to the problems being studied, which are then drawn to a conclusion. The conclusion is that online-based businesses today and especially in the jurisdiction of Indonesia have grown rapidly. Indonesia already has a legal basis, namely Law Number 8 of 1999 concerning Consumer Protection in addition to the existence of other laws and regulations that regulate the same thing. Consumers in terms of their business partnerships must be given various special protections which are very vulnerable to various possibilities that will harm the consumers themselves from business actors who do not have good intentions in carrying out online-based business partnerships. If there are problems between consumers and business actors in carrying out partnerships, they can use the UUPK facility which is a guideline for consumers, especially to fight for their rights to protect their interests.

## **INTRODUCTION**

The internet has brought the world economy into a new phase which is more popularly known as digital economics. Its existence is marked by the increasingly widespread economic activities that utilize the internet as a communication medium. Trade, for example, increasingly relies on electronic commerce (e-commerce) as a transaction medium.<sup>1</sup>

Trade based on advanced technology, e-commerce has reformed conventional trade where interactions between consumers and companies that were previously carried out directly have become indirect interactions. E-commerce has changed the classic business paradigm by fostering interaction models between producers and consumers in the virtual world. The trading system used in ecommerce is designed for electronic signing. This electronic signing is designed from the time of purchase, inspection and delivery.<sup>2</sup>

<sup>1</sup> Richardus Eko Indrajit, E-Commerce: Business Tips and Strategies in the Virtual World, PT. Elex Media Komputindo, Jakarta, 2001, p. 33.

<sup>2</sup> Abdul Halim Barkatullah and Teguh Prasetyo, E-Commerce Business: Study of Security and Legal Systems in Indonesia, Student Library, Yogyakarta, 2005, p. vii.

A business is an organization that sells goods or services to consumers or other businesses to make a profit. According to language, the word business comes from the English word "businessa", from the basic word busy which means busy in the context of an individual, community or society. In other words, busy doing activities and work that brings profit.

Compared to previous years, now the dream of becoming an entrepreneur is much easier. Business is becoming more developed, consumption patterns and trends in society are changing. Apart from that, Indonesian people are also more connected digitally. This can be a new opportunity, business can be done through the use of digital platforms as a means of reaching potential buyers. It doesn't take up time and energy, the only capital required is a smartphone. Utilization of digital platforms, for example by using social media or e-commerce. This is what is called an online business.

More clearly, online business is a business activity, both services and products offered via the internet, starting from negotiations to transaction activities, even if you are only a marketer for a company and carry out marketing activities via the internet, you can be called an online business person. As time goes by, many people choose this business not just as a side business, but instead use online business as their main business. As a result, online business has so far produced thousands of successful and successful business people.<sup>3</sup>

The definition of e-commerce itself is all forms of trade transactions or commerce in goods or services using electronic media. The impact of the internet as a result of advances in the development of information technology for consumers, on the one hand, has changed consumer behavior to become more critical and selective in determining the products they will choose. Likewise for manufacturers, this progress has a positive impact in making it easier to market products so that they can save costs and time. On the other hand, because the two parties do not physically meet, the possibility of forms of fraud or mistakes being created is a major concern that needs greater handling. The negative impact of e-commerce itself tends to be detrimental to consumers. This includes matters relating to the product ordered which is not in accordance with the product offered, and other matters which are not in accordance with the previous agreement. An example of this is when shopping for goods online, but the goods purchased are not the same as those seen in the photo in the advertisement displayed. Does that constitute a violation of consumer rights? Can you sue the seller to return the money or replace the goods that have been purchased?.

Apart from being related to consumers becoming buyers, in this business there is also a partnership between business actors and e-commerce. Therefore, in this article we will explain what legal protection should be for consumers in facing the reality of current and newest events in the current era, namely online-based partnerships based on the provisions of statutory regulations which are contained in Law Number 8 of 1999 concerning Consumer Protection (UUPK).<sup>4</sup>

## **METHOD**

The type of research used is normative legal research. The problem approach used in this research is to use a statutory approach and a case approach. The collection of legal materials is carried out by recording and documenting primary legal materials, namely statutory regulations, secondary legal materials such as books and articles. Analysis of legal materials using deductive

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<sup>3</sup> There are many advantages to doing business online, let's take a look. <https://stekom.ac.id/article/ada-besar-keuntungan-dalam-berbisnis-online-yuk-simak#:~:text=More%20clarity%2C%20bisnis%20online%20is,media%20internet%2C%20can%20be%20called%20as.>

<sup>4</sup> Hereinafter referred to as UUPK.

methods, namely from general to specific. The descriptive method is by describing or explaining the problem, providing an analysis, providing views and solutions to the problem being studied, from which a conclusion is then drawn.

## RESULTS AND DISCUSSION

### A. Consumer Protection Law

In the large Indonesian dictionary, protection comes from the word *lindung* which means to protect, prevent, defend and fortify. Meanwhile, protection means conservation, maintenance, guarding, shelters and bunkers. In general, protection means protecting something from dangerous things, something that could be interests or objects or items. Apart from that, protection also means protection given by someone to someone who is weaker.

The definition of legal terminology in Indonesian according to the KBBI is regulations or customs that are officially considered binding, which are confirmed by the authorities or government, laws, regulations, and so on to regulate social life in society, standards or rules regarding certain natural events, decisions or considerations. determined by the judge in court, or verdict<sup>5</sup>.

Thus, legal protection can be interpreted as protection by law or protection using legal institutions and means. Legal protection is an illustration of the function of law, namely the concept where law can provide justice, order, certainty, benefit and peace. The opinions quoted from several experts regarding legal protection are as follows:<sup>6</sup>

1. According to Satjito Rahardjo, legal protection is an effort to protect a person's interests by allocating a Human Rights authority to him to act in the context of his interests.
2. According to Setiono, legal protection is an action or effort to protect society from arbitrary actions by authorities that are not in accordance with the rule of law, to create order and tranquility so as to enable humans to enjoy their dignity as human beings.
3. According to Muchsin, legal protection is an activity to protect individuals by harmonizing the relationship between values or rules which are manifested in attitudes and actions in creating order in social interactions between fellow humans.
4. According to Philipus M. Hadjon, it is always related to power. There are two powers: government and economic power. In relation to government power, the issue of legal protection for the people (who are governed) and the government (who governs). In relation to economic power, the issue of legal protection is protection for the weak (economic) against the strong (economic), for example protection for workers against entrepreneurs.<sup>7</sup>

The law protects a person's interests by giving him the power to act to fulfill his interests. The granting of power, or what is often called rights, is carried out in a measurable manner, in breadth and depth. Legal protection for every Indonesian citizen without exception, can be found in the 1945 Constitution of the Republic of Indonesia. For this reason, every product produced by the legislature must always be able to provide guarantees of legal protection for everyone, and must even be able to capture legal aspirations and justice that develops in society.<sup>8</sup>

Basically, legal protection does not differentiate between men and women. Indonesia as a legal state based on Pancasila must provide legal protection to its citizens because this legal protection will give rise to recognition and protection of human rights in their form as individual

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<sup>5</sup> The team that compiled the Central Dictionary for Language Development and Development, Big Indonesian Dictionary, Second Edition, cet. 1, (Jakarta: Balai Pustaka, 1991) Page 595

<sup>6</sup> [http://repository.uma.ac.id/bitstream/123456789/1812/5/138400039\\_file5.pdf](http://repository.uma.ac.id/bitstream/123456789/1812/5/138400039_file5.pdf), (accessed 30 November 2023).

<sup>7</sup> Asri Wijayanti, Post-Reformation Employment Law, Jakarta. Sinar Graphics, 2009, p. 10

<sup>8</sup> Syamsul Arifin, Introduction to Indonesian Law, Medan: Medan area University Press, 2012, Pages 5-6.

and social creatures within the framework of a unitary state that upholds the spirit of kinship in order to achieve common prosperity.<sup>9</sup> Opinion regarding the meaning of understanding the meaning of the law stated by Dr. O. Notohamidjojo, SH Law is the totality of written and unwritten regulations which are usually coercive for human behavior in state society and between states which are oriented towards two principles, namely justice and efficiency, for the sake of order and peace in society.<sup>10</sup> Various definitions have been put forward and written by legal experts, which basically provide almost the same definition, namely that the law contains regulations for human behavior.<sup>11</sup>

However, in law, the definition of legal protection is all efforts made consciously by every person or government and private institution aimed at securing, controlling and fulfilling the welfare of life in accordance with existing human rights as regulated in Law Number 39 1999 concerning Human Rights.<sup>12</sup>

Basically, legal protection does not differentiate between men and women. Indonesia as a legal state based on Pancasila must provide legal protection to its citizens because this legal protection will give rise to recognition and protection of human rights in their form as individual and social creatures within the framework of a unitary state that upholds the spirit of kinship in order to achieve common prosperity.<sup>13</sup>

Before entering into the substance related to UUPK provisions, it would be a good idea for us to first understand several terms that are familiar to consumers. The consumer discussed in this case is every user of goods or services for personal, family or household needs, and not to produce other goods/services or trade them again, there is a consumer transaction which means the process of transferring ownership or enjoyment of goods or services from goods providers or service providers to consumers.<sup>14</sup>

Article 4 UUPK states that consumer rights include; the right to choose goods and/or services and obtain said goods and/or services in accordance with the exchange rate and conditions and guarantees promised; the right to correct, clear and honest information regarding the condition and guarantee of goods and/or services; the right to receive compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or are not as they should be; etc. On the other hand, obligations for business actors in accordance with Article 7 UUPK include; provide correct, clear and honest information regarding the condition and guarantee of goods and/or services as well as providing explanations of use, repair and maintenance; provide compensation, compensation and/or replacement if the goods and/or services received or utilized are not in accordance with the agreement, etc. Even more firmly, Article 8 UUPK prohibits business actors from trading goods/services that do not comply with the promises stated in labels, labels, information, advertisements or sales promotions for said goods and/or services. Based on this article, a discrepancy between the specifications of the goods you receive and the goods stated in the advertisement/photo offering the goods is a form of violation/prohibition for business actors in trading goods. So consumers according to Article 4 letter h UUPK have the right to receive compensation, compensation and/or replacement if the goods and/or services received do not comply with the agreement or are not as they should be.

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<sup>9</sup> Syamsul Arifin, Loc. cit, Hal 5-6.

<sup>10</sup> Syamsul Arifin, Loc. Cit, Hal 5-6.

<sup>11</sup> Ibid. Syamsul Arifin

<sup>12</sup> <http://tesis.Hukum.com/pengertian-perlindungan-law/>, accessed on 30 November 2023.

<sup>13</sup> [http://repository.uma.ac.id/bitstream/123456789/1812/5/138400039\\_file5.pdf](http://repository.uma.ac.id/bitstream/123456789/1812/5/138400039_file5.pdf), accessed on 30 November 2023.

<sup>14</sup> Az Nasution, Consumers and Law, Pustaka Sinar Harapan, Jakarta, 1995, p. 37.

Meanwhile, the business actor himself, in accordance with Article 7 letter g of the PK Law, is obliged to provide compensation, compensation and/or replacement 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 UUPK, which reads: "Business actors who violate the provisions as intended in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letters a, b, c, e, paragraph (2) and Article 18 shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah)."

## **B. Partnership**

Partnership seen from an etymological perspective is adapted from the word partnership, and comes from the root word partner. Partner can be translated "partner, soul mate, ally, or campaigner". The meaning of partnership is translated as alliance or partnership. Starting from this, a partnership can be interpreted as a form of alliance between two or more parties that form a cooperative bond based on agreement and a sense of mutual need in order to increase capacity and capability in a particular business field, or a particular goal, so as to obtain good results.

According to the Big Indonesian Dictionary, the meaning of the word partner is friend, co-worker, colleague. Meanwhile, partnership means a relationship or cooperation as partners. Hafsah explained that the meaning of partnership is a business strategy carried out by two or more parties within a certain period of time to achieve mutual benefits with the principle of mutual need and mutual growth.<sup>15</sup> Because it is a business strategy, the success of a partnership is largely determined by compliance among partners in carrying out business ethics. This is in accordance with the opinion of Ian Linton who says that Partnership is a way of doing business where suppliers and customers trade with each other to achieve common business goals.<sup>16</sup>

According to Anwar in Hafsah, economic development using a partnership pattern can be considered the most profitable business (maximum social benefit), especially in terms of achieving long-term development goals.<sup>17</sup> This is based on the realization of the ideals of a partnership pattern to implement a mutual cooperation economic system between partners who are strong in terms of capital, markets and technological capabilities with weak farmers who are inexperienced. The aim is to increase business productivity and prosperity on the basis of mutual interests.

Economically, a partnership is defined as:

1. The essence of partnership lies in joint contributions, either in the form of labor (labor) or goods (property) or both for the purpose of economic activity. Control of activities is carried out jointly where profits and losses are distributed between the two partnering parties. (Burns, 1996 in Agribusiness Agency, Department of Agriculture, 1998);
2. "Partnership or Alliance" is an association consisting of two people or businesses who both own a company with the aim of making a profit. (Winardi, 1971 in Agribusiness, Department of Agriculture, 1998);
3. A partnership is an association of two or more people as joint owners who run a business for profit. (Spencer, 1977 in Agribusiness Agency, Department of Agriculture, 1998);

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<sup>15</sup> Muhammad Jafar Hafsah, *Business Partnerships*, Pustaka Sinar Harapan, Jakarta, 1999, p. 43.

<sup>16</sup> *Ibid*, p. 10.

<sup>17</sup> *Ibid*, p. 12.

4. A partnership is a company with a number of owners enjoying the profits of the company together and each of them bearing unlimited liability for the company's debts. (McEachern, 1988 in Agribusiness Agency, Department of Agriculture, 1998).<sup>18</sup>

The partnership pattern can generally be interpreted as a form of mutually beneficial cooperation between two or more parties to achieve common goals. According to the laws and regulations regarding partnerships in Indonesia which are regulated by Government Regulation Number 17 of 2013 which states that partnerships are collaboration between livestock businesses by showing the principles of mutual need, strengthening, benefit, respect and responsibility, and dependence.<sup>19</sup>

Partnership is known as mutual cooperation or collaboration between various parties, both individually and in groups. According to Notoatmodjo, partnership is a formal collaboration between individuals, groups or organizations to achieve a specific task or goal.<sup>20</sup> According to Muhammad Jafar Hafsa, partnership is a business strategy carried out by two or more parties within a certain period of time to achieve mutual benefits with the principle of mutual need and mutual growth.<sup>21</sup>

Partnership cooperation developed in Indonesia generally involves large entrepreneurs and small entrepreneurs with the aim of eliminating gaps in business. In principle, partnership cooperation is cooperation between large entrepreneurs and micro and small entrepreneurs based on the principles of mutual strengthening, mutual benefit, mutual need and mutual sustainability. Implementing the rights and obligations agreed upon by both partners with full awareness and responsibility is a basic condition for the success of a partnership.

### Types of Partnership

Beberapa jenis pola kemitraan yang telah banyak dilaksanakan, dapat di jelaskan sebagai berikut:<sup>22</sup>

a. Plasma Core Pattern

The core plasma pattern is a pattern of partnership relationships between groups of business partners as plasma and partner core companies. Where the core company provides land, production facilities, technical guidance, management, storage, management and marketing of production results, besides that the core continues to produce the company's needs. Meanwhile, business partners as plasma fulfill the company's needs in accordance with agreed requirements.

b. SubContract Pattern

The subcontracting pattern is a partnership relationship pattern between a business partner company and a group of business partners who produce the needs required by the company as part of its production components. This form of partnership has been widely applied in partnerships between small entrepreneurs and medium and large entrepreneurs.

c. General Trading Patterns

Pola dagang umum merupakan pola hubungan kemitraan mitra usaha yang memasarkan hasil dengan kelompok usaha yang mensuplai kebutuhan yang diperlukan oleh perusahaan. Untuk

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<sup>18</sup> Mia Nur Damayanti, Study of the Implementation of Partnerships in Increasing Income Between Watermelon Farmers in Kebumen Regency, Central Java and CV. Bimandiri, IPB Press, Bogor, 2009, p. 18.

<sup>19</sup> Republic of Indonesia Government Regulation Number 13 of 2017 concerning Partnerships.

<sup>20</sup> Tugimin. (2004). Kewarganegaraan. Surakarta: CV. Grahadi. Hlm. 7.

<sup>21</sup> Mohammad Jafar Hafsa. Business Partnership. (Jakarta: Sinar Harapan, 2000), p. 10.

<sup>22</sup> Ibid, 67-71.

memenuhi atau mensuplai kebutuhannya sesuai dengan persyaratan yang telah ditetapkan oleh perusahaan mitra usaha.

d. Agency Pattern

The agency pattern is a form of partnership relationship and small businesses are given special rights to market goods and services from medium to large businesses as partners..

e. Franchise

A franchise is a partnership relationship pattern between a group of business partners and a business partner company that provides licensing rights and trademarks throughout the company's distribution channels to a group of business partners as franchise recipients accompanied by management guidance assistance.

Partnership has principles in its implementation. Wibisono formulated three important principles in partnership, namely:

1. Equality or balance (equity). The approach is not top down or bottom up, nor is it based on power alone, but rather a relationship of mutual respect, mutual appreciation and mutual trust. To avoid antagonism, mutual trust needs to be built. Equality includes respect, obligations and bonds.
2. Transparency. Transparency is needed to avoid mutual suspicion between work partners. Includes transparency in information management and transparency in financial management.
3. Mutual benefit. A partnership must bring benefits to all parties involved.<sup>23</sup>

### C. Online Business

A business is an organization that sells goods or services to consumers or other businesses to make a profit. According to language, the word business comes from the English word "businessa", from the basic word busy which means busy in the context of an individual, community or society. In other words, busy doing activities and work that brings profit. Compared to previous years, now the dream of becoming an entrepreneur is much easier. Business is becoming more developed, consumption patterns and trends in society are changing. Apart from that, Indonesian people are also more connected digitally. This can be a new opportunity, business can be done through the use of digital platforms as a means of reaching potential buyers. It doesn't take up time and energy, the only capital required is a smartphone. Utilization of digital platforms, for example by using social media or e-commerce. This is what is called an online business.

More clearly, online business is a business activity, both services and products offered via the internet, starting from negotiations to transaction activities, even if you are only a marketer for a company and carry out marketing activities via the internet, you can be called an online business person. As time goes by, many people choose this business not just as a side business, but instead use online business as their main business. As a result, online business has so far produced thousands of successful and successful business people.

There are several advantages to running an online business to consider for those who are still beginners, including the following:

1. Minimal Capital

Online business has very minimal capital, at least you only need a computer/laptop/PC, modem, internet subscription and supplier, you can start an online business. It's different

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<sup>23</sup> Yusuf Wibisono. Dissecting CSR Concepts and Applications. Fascho Publishing. Gresik. 2007. p. 103.

when you want to start an offline business, a clothing store for example. You have to prepare quite a bit of capital, for renting a place, equipment, shopping for goods and promotions.

## 2. Easy to Run

Currently, many things or activities are made easier with the internet, including starting a business. With various emerging technologies, this business is easy for anyone to run. Place Online business can not only be done from a computer desk at home, but can be moved from place to place, especially if you use a laptop or smartphone. This is one of the advantages that offline businesses don't have. So you don't need to guard the shop all day.

## 3. Marketing reach is very wide

With an online business, you can reach markets not only locally, but even overseas.

## 4. Can be used as main income

Don't be mistaken, online business can also be your main source of income. This has been proven by many people who have monthly turnover of up to hundreds of millions or even billions of rupiah just by doing business on the internet.

## 5. Save costs and time

Online business can certainly save costs and time, the system is online for promotions, orders and payments can be made online and delivery is also easy because there are many package delivery service providers. Apart from that, the only media used is the internet, so operational costs are only for internet subscriptions and electricity.

## CONCLUSION

Currently, online-based businesses, especially in the jurisdiction of Indonesia, have developed rapidly. Indonesia already has a legal basis regarding consumer protection, namely Law Number 8 of 1999 concerning Consumer Protection, in addition to other laws and regulations regulating the same thing. Consumers in terms of business partnerships must be given various special protections which are very vulnerable to various possibilities that will harm the consumers themselves from business actors who do not have good intentions in carrying out online-based business partnerships. Online business partnerships for both business actors and consumers must have good faith from the start.

If there are problems between consumers and business actors in carrying out partnerships, they can use the UUPK tool which is a guide for consumers, especially to fight for their rights to protect their interests. It is possible that business actors who are partners and do not have good intentions can resolve things through a similar process. In essence, it is not enough for regulations related to consumer protection to become a legal forum and means for consumers and partnering business actors. There are still several improvements and additional regulatory substance that need to be added to protect various parties. Considering that the development of science is increasingly rapid, we should also be aware of various possibilities that will harm our interests.

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- Law Number 8 of 1999 concerning Consumer Protection  
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### **Internet**

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There are many advantages to doing business online, let's take a look.

<https://stekom.ac.id/article/ada-besar-keuntungan-dalam-berbisnis-online-yuk-simak#:~:text=More%20clarity%2C%20bisnis%20online%20is,media%20internet%2C%20can%20be%20called%20as>