
PROMOTION**(Study of Legal Protection for E-commerce Consumers)**

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ABSTRACT

This research aims to describe the various forms of promotions conducted by businesses and the legal protection available for e-commerce consumers. Promotion is a method employed by companies or businesses to provide direct or e-commerce-based product information to consumers with the aim of making consumers interested in the products. E-commerce involves the buying, selling and marketing of goods or services through electronic media. Based on the discussions conducted, it's known that forms of promotion include advertising, personal selling, publicity, public relations and sales promotion. It's also known that there are still some promotions that don't have legal protection due to the lack of Indonesian language labelling, provision of false information, pricing discrepancies and fraudulent elements.

Keywords: promotion, e-commerce, consumer protection

INTRODUCTION

Information and electronic technology has become more sophisticated over time, which has resulted in quite significant changes to the trading system. If you look back, the trading system in Indonesia used to still use a conventional buying and selling system. However, in recent years the trading system in Indonesia has begun to experience changes, where buying and selling activities can be carried out online through e-commerce.

According to the Big Indonesian Dictionary, trade means activities carried out in buying and selling.¹ In Article 3 of the Trade Code, it is stated that commercial acts are defined as the purchase or manufacture of goods by a seller or company which is then sold to consumers with the aim of making a profit.²

The many human needs and increasingly sophisticated technological advances make humans take various methods to meet their needs according to the times. The presence of e-commerce makes it easier to search for products, besides that potential consumers can compare prices from several stores in one application and make it easy to make unlimited transactions.³ Li and Hong argue that the presence of e-commerce also has an impact on small to medium business actors being able to penetrate the global market easily and in a short time, where business actors can communicate directly with other business actors and consumers anytime and anywhere.⁴

As a business actor, we are obliged to convey information about products correctly and honestly to consumers. This information generally concerns price, how to use, quality, quantity, side effects, expiry date, and other information related to the product with the aim of making it easier for information to

¹ Departemen Pendidikan Nasional, 2008, *Kamus Besar Bahasa Indonesia*, Edisi Keempat, Jakarta, Gramedia Pustaka Utama, hal.285

² Pasal 3 Kitab Undang-Undang Hukum Dagang

³ Ning Rahayu, 2019, *Ini Dampak Perkembangan E-Commerce bagi Indonesia*, <https://www.wartaekonomi.co.id/read21033/ini-dampak-perkembangan-e-commerce-bagi-indonesia> (diakses tanggal 29 Oktober 2022)

⁴ Deddy Prihadi & Agnes Dwita Susilawati, "Pengaruh Kemampuan E-commerce dan Promosi di Media Sosial terhadap Kinerja Pemasaran," dalam *Fakultas Hukum Universitas Pancasila Tegal*, Nomor 1 (Juni, 2018), hal.16

be known correctly and clearly.⁵Article 7 letter (b) of Law Number 8 of 1999 concerning Consumer Protection stipulates that business actors have a responsibility to convey information about the products they offer in a correct, clear and honest manner. They must provide an explanation that corresponds to the actual condition and guarantee of the product and provide guidance on how to use, repair and maintain the product.⁶

Article 4 paragraph (3) of Law Number 8 of 1999 concerning Consumer Protection states that consumers have the right to obtain guarantees and protection guaranteed by law, including the right to receive accurate, clear and honest information about the products offered.⁷On this basis, business actors can utilize various types of information media such as advertisements, billboards and other media via social media or directly based on good intentions and honesty, so that consumers can easily give confidence to business actors regarding the products they will buy.⁸

In practice, sometimes business actors do not convey completely correct information about the products they offer. Business actors utilize promotions through e-commerce in various ways to attract consumer interest, in this case there is a lot of fraud committed by business actors and even contains elements of fraud such as making excessive claims about the products they have, price discrepancies in the promotions offered, and other information that related to the products promoted by business actors.⁹

The formulation of the problem in this research is what forms of promotion are carried out by business actors and what is the legal protection for consumers against promotions carried out by business actors through e-commerce.

The aim of this research is to describe the forms of promotion carried out by business actors in marketing products through e-commerce and to describe the legal protection given to consumers against promotions carried out by business actors through e-commerce if there is a mismatch in the product received.

This research uses a doctrinal (normative) approach with descriptive research type. The data source used is secondary data collected through literature study by studying secondary data and promotional survey results which are then analyzed using qualitative methods, namely by analyzing the data using theories and legal norms from experts to solve the problems in this research. .

RESULTS AND DISCUSSION

A Promotion is one of the biggest supporters of success in sales. Through promotions, business actors can convey information about their products to consumers, so that promotions influence consumer purchasing decisions. Apart from that, promotions can also improve the image of the product and company if it is successful in giving consumers confidence to use the products they sell. Promotion can be practiced via social media or directly as long as company and marketing goals are achieved.

The forms of promotion are Adversting or what is commonly known as advertising is a form of promotion that uses certain media at a certain cost with the aim of increasing consumer interest and demand for the products offered, Personal selling is a form of promotion where the seller meets and interacts directly with consumers to introduce their products in detail, publicity where promotion is carried out through the media but no costs are incurred. This form of promotion is widely used by business actors because it is considered more effective and cheaper. Public relations is a form of promotion that involves business actors and the public in social activities. If this promotion can be carried out well, the product will be better known to the public and the product's image will increase and sales promotion

⁵ Liya Sukma Mulia, *Promosi Pelaku Usaha yang Merugikan Konsumen*. EJournal Unisba, hal.12

⁶ Pasal 7 huruf (b) Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen

⁷ Pasal 4 ayat (3) Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen

⁸ Liya Sukma Mulia, op. cit. hal.8

⁹ Ibid. hal. 13

focuses on consumer purchasing decisions, where business actors will offer discounts on certain products. Usually this promotion is carried out at exhibitions, demonstrations, and the like.¹⁰

Based on the results of research on 10 promotions carried out by business actors, including promotions Some by Mi skincare products, Klairs skincare, cushion and magicom in the form of images uploaded via Instagram, skintific cushion products in the form of short video review content uploaded via Tik Tok, cellphone case products in the form of images uploaded via WhatsApp, Glowingin skincare products and MS Glow skincare in the form of images uploaded via Facebook, quotas on the Indosat application and jackets on Shopee, shows that: a. there are promotions that are not labeled in Indonesian, namely promotions for Some by Mi and Klairs skincare products; b. all promotions are delivered via electronic media or social media; c. there is information conveyed that is incorrect with the actual situation, namely on the promotion of jackets and magicom; d. there is a price discrepancy in quota promotions and MS Glow skincare; e. There are fraudulent advertisements in jacket and magicom promotions.

Regarding the aspect in point a, the promotion of Some by Mi skincare products and Klairs skincare products has included labels containing information about the products but does not use Indonesian in the writing, but uses English, so it is not in accordance with Article 20 number (1) Republic of Indonesia Government Regulation no. 29 of 2021 concerning the Implementation of the Trade Sector. Regarding the aspect in point b, all promotions are delivered via electronic media or social media, however the information conveyed through promotions from the data obtained is not guaranteed to be safe and correct, so it is in accordance with Article 16 of the Regulation of the Minister of Trade of the Republic of Indonesia No. 50 of 2020 concerning Provisions Business Licensing, Advertising, Guidance and Supervision of Business Actors in Trading Through Electronic Systems. Regarding the aspect in point c, the promotion of jackets and magicom contains a discrepancy in the information conveyed with the actual condition of the product. This is proven by the existence of reviews from consumers where the size and color of the jacket received is different from the description written by the seller, so it is not in accordance with Article 51 letter (a) of the Republic of Indonesia Government Regulation No. 29 of 2021 concerning the Implementation of the Trade Sector. Regarding the aspect in point d, the quota promotion on the Indosat application contains discrepancies in the prices paid by consumers. This is proven by the reduction in credit of 40,000 when purchasing a quota of 30,000 and the MS Glow skincare promotion which is sold at Rp. 150,000 per package, there is a price discrepancy. This is proven by the existence of a catalog on the official MS Glow Store account which sells at a price of Rp. 300,000 per package, so it is not in accordance with Article 12 of Law No. 8 of 1999 concerning Consumer Protection. Regarding the aspect in point e, the magicom jacket promotion contains an element of fraud. It was written that the goods received did not match the description given by the business actor and consumers did not receive the product according to what the business actor offered after payment was made, so it was not in accordance with Article 17 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection

CONCLUSION

Based on the results of the research and discussions that have been carried out, it can be concluded that:

1. Forms of promotion consist of advertising, personal selling, publicity, public relations and sales promotion.
2. Regarding the aspect that promotions do not contain information labeled in Indonesian on goods traded domestically as regulated in Article 20 point (1) of Government Regulation of the Republic of Indonesia No. 29 of 2021 concerning the Implementation of the Trade Sector, it is known that of the 10 promotions studied, on the one hand there are 8 (80%) promotions that are compliant and thus

¹⁰ Arum Wahyuni Purbohastuti, 2017, *Evektifitas Media Sosial Sebagai Media Promosi*, Tirtayasa Ekonomika, Vol.12, No.2, hal.220-222

- there is legal protection for this aspect, while on the other hand there are 2 (20%) promotions which has not met and thus there is no legal protection for this aspect, because it still does not contain information labeled in Indonesian on goods traded within the country.
3. Regarding the aspect that promotions are delivered via electronic media as regulated in Article 16 of the Regulation of the Minister of Trade of the Republic of Indonesia No. 50 of 2020 concerning Provisions for Business Licensing, Advertising, Development and Supervision of Business Actors in Trading Via Electronic Systems, it is known that all of the 10 promotions studied has fulfilled this provision in a 100% percentage and thus there is legal protection for this aspect.
 4. Regarding the aspect that promotions contain information that is not true regarding the actual situation as regulated in Article 51 letter (a) of the Government Regulation of the Republic of Indonesia No. 29 of 2021 concerning the Implementation of the Trade Sector, it is known that of the 10 promotions studied, on the one hand there were 8 (80%) promotions have met and thus there is legal protection for this aspect, while on the other hand there are 2 (20%) promotions that have not met and thus there is no legal protection for this aspect, because they still contain incorrect information with actual situation.
 5. Regarding the aspect that promotions contain price discrepancy information as regulated in Article 12 of Law No. 8 of 1999 concerning Consumer Protection, it is known that of the 10 promotions studied, on the one hand there are 8 (80%) promotions that are compliant and thus there are legal protection for this aspect, while on the other hand there are 2 (20%) promotions that have not met and thus there is no legal protection for this aspect, because they still contain information about price discrepancies.
 6. Regarding the aspect that promotions contain elements of fraudulent advertising as regulated in Article 17 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection, it is known that of the 10 promotions studied, on the one hand there are 8 (80%) promotions that have fulfilled and Thus there is legal protection for this aspect, while on the other hand there are 2 (20%) promotions that have not met and thus there is no legal protection for this aspect, because they still contain elements of fraudulent advertising.

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