


Substantive Justice in Consumer Protection Law: A Comparative Study of Regulations in Indonesia and Russia

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Abstract

Introduction: Consumer protection is a crucial aspect in maintaining the balance between business interests and the rights of consumers. Legal regulations must embody the principles of substantive justice, ensuring not only formal legal procedures but also tangible outcomes that directly benefit society. The application of substantive justice theory within consumer protection regulations in Indonesia and Russia, two countries with distinct legal systems and socio-political contexts.

Purposes of the Research: The purpose of this study is to analyze the extent to which consumer protection regulations in Indonesia and Russia have implemented the principles of substantive justice, and to identify points of convergence as well as divergence between the two systems.

Methods of the Research: This research employs a normative legal method with a comparative approach. Data are obtained through statutory analysis, examination of relevant provisions, and a review of scholarly literature on substantive justice. The research emphasizes how the respective legal frameworks address consumer rights, business obligations, and dispute resolution mechanisms.

Results Main Findings of the Research: The findings reveal that Indonesia, through Law Number 8 of 1999 on Consumer Protection, primarily emphasizes the distribution of rights, obligations, and accessible dispute resolution mechanisms. Meanwhile, Russia, under the Law on Protection of Consumer Rights Number 2300-1 of 1992, places greater weight on comprehensive compensation, including moral damages. The originality of this research lies in its comparative analysis of the application of substantive justice theory between Indonesia and Russia, a juxtaposition rarely explored in consumer law scholarship. The study contributes to the academic discourse by demonstrating that the realization of substantive justice depends not only on statutory provisions but also on the effectiveness of legal enforcement and public legal awareness.

Keywords: Substantive Justice; Consumer Protection; Comparative Law Indonesia and Russia.

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INTRODUCTION

Law is essentially a means used by society to create order, maintain a balance of interests, and guarantee a sense of justice,¹ in an increasingly complex social context, law is no longer understood only as a set of formally binding rules, but also as an instrument to ensure that

¹ Raisha Rahmadewi, Nadhif Tanzil Haikal Harahap, and Rian Hidayatulloh Garuda Nusantara, "Filsafat Hukum Dan Keadilan Sosial: Analisis Teoritis Tentang Peran Hukum Dalam Mewujudkan Kesejahteraan Masyarakat," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 01 (2025), <https://journal.forikami.com/index.php/nusantara/article/view/929>.

relations between individuals and between individuals and institutions run fairly.² Global economic developments, technological revolutions, and international trade flows have given rise to new consumption patterns that expand interactions between producers and consumers across countries.³ This situation calls for the presence of legal instruments capable of protecting consumers from detrimental practices while ensuring a fair distribution of justice. Consequently, consumer protection law holds a vital position in maintaining equilibrium between the interests of producers to conduct business and the rights of consumers to receive equitable treatment.

Within the framework of globalization, consumer protection issues are not solely confined to straightforward transactions at the domestic level; rather, they also encompass matters involving cross-jurisdictional concerns.⁴ Products and services in circulation often originate from other countries with varying quality standards, posing challenges for consumers to understand the risks and for countries to protect their citizens.⁵ The emergence of consumer protection legal regimes in various countries demonstrates that the aspect of justice is a universal concern, although each legal system has a different approach. Some countries emphasize procedural aspects, while others highlight the substance of real protection for consumers. These differences show that consumer protection law is essentially a reflection of how a country understands, formulates, and applies the principle of justice within a regulatory framework.

Indonesia, as a country with a large consumer market, faces complex dynamics in structuring consumer protection regulations. Since the enactment of Law Number 8 of 1999 concerning Consumer Protection, national regulations have affirmed the recognition of consumer rights, producer responsibilities, and dispute resolution mechanisms.⁶ However, in practice, there is still often a gap between legal norms and the reality of their implementation on the ground. Many consumers feel they have not received substantive justice, both due to limited access to dispute resolution institutions and weak law enforcement against business actors.⁷ This raises a fundamental question: to what extent are the principles of substantive justice truly accommodated in existing regulations, and how can legal mechanisms bridge the gap between norms and practices. On the other hand, Russia, as one of the countries with a strong legal tradition in the Eastern European region, also has a long history of developing consumer protection regulations.⁸ The Russian legal system, influenced by the civil law heritage with distinctive post-Soviet features,⁹ Russia

² Muhammad Kurnia Zaetama, "Peran Hukum Dalam Mewujudkan Keadilan Sosial Dan Hak Asasi Manusia," *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 1 (2024): 450–57, <https://doi.org/10.62379/K6SKMP76>.

³ Fritz Hotman S. Damanik et al., *Transformasi Ekonomi: Inovasi Dan Pertumbuhan Ekonomi Global Di Abad Ke-21*, ed. Dhiya Fauzia Romiza, Cetakan Pe (Yogyakarta: Star Digital Publishing, 2025).

⁴ Imadatul Fitriani, Inayah Maulia, and Lucky Dafira Nugroho, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Lintas Negara," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 1387–97, <https://doi.org/10.61104/ALZ.V3I3.1323>.

⁵ Joel Antonio Freitas, RuliVita Sari, and Aris Prio Agus Santoso, "Perlindungan Konsumen Atas Produk Cacat Dan Gagal," *Jurnal Ilmiah Multidisiplin Ilmu* 1, no. 4 (2024): 72–76, <https://doi.org/10.69714/P6EB2P02>.

⁶ Marten Bunga, "Mekanisme Penyelesaian Sengketa Konsumen Menurut Undang Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Gorontalo Law Review* 4, no. 2 (2021): 331–47, <https://doi.org/10.32662/GOLREV.V4I2.1961>.

⁷ Rohmannudin Rohmannudin et al., "Analisis Yuridis Penyelesaian Sengketa Konsumen Berdasarkan UU No 8 Tahun 1999," *Journal of Legal Sustainability* 1, no. 2 (2024): 1–7, <https://el-emir.com/index.php/jols/article/view/29>.

⁸ Oksana Holovko-Havrysheva, "Adjusting National Consumer Protection Legislation in Georgia, Moldova and Ukraine to EU Standards: Practices, Experience and Challenges," in *Extraterritoriality of EU Economic Law*, ed. Nuno Cunha Rodrigues (Cham: Springer Nature Switzerland, 2021), 289–316, https://doi.org/10.1007/978-3-030-82291-0_14.

⁹ Alexey Pavlovich Albov, Rosalina Vasilevna Shagieva, and Vadim Alexeevich Nikiforov, "The Legal System of Modern Russia in the General Discourse of World Development," ed. G.I. Muromtsev and S.B. Zinkovskii, *SHS Web of Conferences* 118 (2021): 02005, <https://doi.org/10.1051/shsconf/202111802005>.

places consumer protection within a different framework than Indonesia. Russia establishes consumer regulation through a combination of written legal rules and strong state intervention to maintain market balance.¹⁰ In addition, Russia's political and economic dynamics also influence how consumer protection laws are enforced, especially in the context of facing the dominance of large business actors.¹¹ This uniqueness opens up space to see how the concept of substantive justice is embodied in legal systems that are under different historical, ideological, and economic orientation backgrounds from Indonesia.

A comparison between Indonesia and Russia becomes relevant because both represent the context of developing countries that have different economic and social characteristics, but both face the challenges of trade globalization. Indonesia, with its open market economy and consumerist society, needs to rely on balanced legal regulations to protect consumer interests.¹² Meanwhile, Russia, which has a centralized legal system, presents a different perspective on how substantive justice is realized in the relationship between consumers and producers.¹³ By comparing these two countries, it will be evident how the universal principles of justice are translated contextually into consumer protection regulations. These different approaches can provide a deeper understanding of the effectiveness of law in achieving just protection goals.

The urgency of this research becomes even clearer when considering that consumer protection not only concerns economic aspects but also touches on the dimensions of human rights.¹⁴ Consumers are basically individuals who have the right to obtain honest information, obtain safe products, and be protected from exploitative practices.¹⁵ When these rights are ignored, substantive justice is violated. Indonesia and Russia, with their different legal system backgrounds, present an opportunity to understand the extent to which written legal norms are truly able to protect consumer interests in reality. This is important because consumer protection should not only stop at legal symbols, but must provide real benefits in people's daily lives.

Examining substantive justice in consumer protection law will help identify weaknesses and potential improvements in regulations in Indonesia. There are still many cases where consumers are harmed due to weak law enforcement or an imbalance in bargaining power with businesses. On the other hand, Russia, with its different legal tradition, offers practices that can serve as a critical comparison, both as inspiration and as a warning so that Indonesia does not repeat the same weaknesses. Thus, this comparison is not merely a normative study, but also has practical relevance in strengthening the position of consumers in the face of businesses. This kind of analysis is very much needed in the framework of legal reform that is more responsive to the needs of modern society.

¹⁰ Sebastian Heidebrecht, "From Market Liberalism to Public Intervention: Digital Sovereignty and Changing European Union Digital Single Market Governance," *JCMS: Journal of Common Market Studies* 62, no. 1 (2024): 205–23, <https://doi.org/10.1111/JCMS.13488>.

¹¹ Vladimir Gel'man, *The Politics of Bad Governance in Contemporary Russia* (Ann Arbor, MI: University of Michigan Press, 2022), <https://doi.org/10.3998/mpub.11621795>.

¹² Adinda Kusuma Hati et al., "Peran Kebijakan Moneter Dalam Pemulihan Ekonomi Nasional," *Menulis: Jurnal Penelitian Nusantara* 1, no. 5 (2025): 250–56, <https://doi.org/10.59435/MENULIS.V1I5.263>.

¹³ Lauren A. McCarthy, "Oversight of the Legal System in an Authoritarian Regime: Police and Court Monitoring in Russia," *Journal of Law and Courts* 13, no. 1 (2025): 195–219, <https://doi.org/10.1017/jlc.2024.27>.

¹⁴ Sutan Pinayungan Siregar, "Kepastian Hukum Perlindungan Konsumen Sesuai Dengan Ketentuan Undang-Undang Perlindungan Konsumen," *Journal of Law, Administration, and Social Science* 4, no. 2 (2024): 228–33.

¹⁵ Nofita Ariyanti and Widhi Cahyo Nugroho, "Peran KPPU Dalam Melindungi Konsumen Dari Pelaku Usaha Tidak Sehat," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 885–96, <https://doi.org/10.53363/BUREAU.V3I1.222>.

A study of the theory of substantive justice in the context of consumer protection is also important because so far many regulations have emphasized formal or procedural aspects more. Dispute resolution processes, although available, are often still complicated and do not provide truly fair results for consumers.¹⁶ Substantive justice theory emphasizes that justice is not just about rules being applied equally, but also about outcomes that truly reflect a balance of interests.¹⁷ By placing this theory as an analytical tool, the research can provide a clearer picture of whether consumer protection regulations in Indonesia and Russia have truly provided tangible benefits. This also emphasizes the importance of evaluating laws not only from the side of formality but also from the concrete results felt by the community.

The discussion about justice in consumer protection law affirms that regulation is not an end goal, but a means to achieve welfare. Well-protected consumers will create a healthy business climate, encourage fair competition, and improve the quality of products and services. Conversely, if consumer protection is ignored, public trust in the law will weaken, the market will be dominated by harmful practices, and social justice will be threatened. Therefore, this research is presented with high urgency to reaffirm the importance of substantive justice in consumer protection regulations. By comparing Indonesia and Russia, it is hoped that a broader picture can be found of how the law can truly function as an instrument of justice in the face of current global challenges: 1) How is the theory of substantive justice applied in the legal framework of consumer protection?; 2) How is the theory of substantive justice applied in consumer protection regulations in Indonesia and Russia?

Research related to the perspective of justice in the context of consumer protection has been widely carried out previously. First, research by Susilowati Suparto and Deviana Yuanitasari in *Jaksa: Jurnal Kajian Ilmu Hukum dan Politik* makes women and children as research objects, focusing on their vulnerability in the face of exploitative business practices. The method used is a normative approach with analysis of laws and regulations as well as relevant literature studies. The results of the study show that consumer protection regulations in Indonesia have not fully provided substantive justice for this vulnerable group, especially in aspects of access to information, protection from misleading advertising, and effective dispute resolution mechanisms. The recommendation given is the need for legal reform to strengthen special protection for women and children as vulnerable consumers, as well as strengthen the role of related institutions in providing real protection.¹⁸

Second, Research by Timur Bocharov in the *Onati Socio-Legal Series* places Russian consumers as the object of research, focusing on the practice of compensation claims in consumer dispute resolution in contemporary Russia. The method used is a combination of normative legal analysis with empirical studies through judicial data illustrating dispute resolution patterns. The results of the study show that although there is an increasing trend

¹⁶ Agung Maghfira Mubila, Ikhsan Fadillah, and Helfira Citra, "Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual Beli Online (E-Commerce)," *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan* 1, no. 4 (2025): 399–403, <https://jurnal.globalscients.com/index.php/jkhp/article/view/569>.

¹⁷ Rasyid Rizani, Ahmadi Hasan, and Masyithah Umar, "Integrasi Keadilan Moral, Keadilan Hukum, Dan Keadilan Sosial Dalam Putusan Pengadilan," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 1, no. 4 (2023): 567–83, <https://doi.org/10.62976/IJJEL.V1I4.179>.

¹⁸ Susilowati Suparto and Deviana Yuanitasari, "Perempuan Dan Anak Sebagai Konsumen Rentan: Tantangan Dan Reformasi Hukum Perlindungan Konsumen," *Jaksa : Jurnal Kajian Ilmu Hukum Dan Politik* 3, no. 2 (2025): 39–49, <https://doi.org/10.51903/X83AAY45>.

of compensation claims by consumers, the compensation culture in Russia has not fully formed due to structural obstacles, legal culture, and limited access to justice. The recommendation of this research is the need to strengthen the legal system and judicial institutions so that consumers have a more real opportunity to obtain fair compensation.¹⁹

The novelty of the research "Justice in Consumer Protection Law: A Study of the Theory of Substantive Justice on Regulations in Indonesia and Russia" lies in its effort to integrate the analysis of the theory of substantive justice with a comparative approach of two different legal systems. Unlike the research by Susilowati and Yuanitasari, which focuses on vulnerable consumers in the Indonesian context, or Bocharov's research, which examines compensation practices in Russia, this research expands the scope by comparing Indonesia and Russia to see how the principle of substantive justice is embodied in consumer protection regulations. This approach presents a new perspective to assess the extent to which regulations in the two countries with different historical and legal cultural backgrounds can guarantee substantive justice for consumers, while offering broader theoretical and practical contributions.

The purpose of this research is to analyze the application of the theory of substantive justice in consumer protection regulations in Indonesia and Russia, as well as to identify the differences and similarities in the approaches of the two countries in guaranteeing consumer rights. By examining the applicable regulations, this research aims to provide an overview of the extent to which consumer protection law is able to realize real justice for society. In addition, this research is intended to find important lessons from the legal practices of the two countries, which can be used as reflection material for the development of consumer protection law in Indonesia to be more responsive, adaptive, and oriented towards substantive justice.

METHODS OF THE RESEARCH

This research uses a type of normative legal research with a comparative approach. This approach was chosen because the research focuses on the analysis of consumer protection regulations in Indonesia and Russia using the theory of substantive justice as an analytical framework. Normative legal research emphasizes the study of applicable legal norms, principles, and foundations, as well as examines the suitability of regulations with the goals of justice to be achieved. Thus, this research is doctrinal, studying law as a written norm and connecting it with relevant legal theory, namely the theory of substantive justice. The data processing technique in this research is carried out through an inventory of primary, secondary, and tertiary legal materials. Primary legal materials are in the form of laws and regulations in force in Indonesia and Russia related to consumer protection, relevant court decisions, and other official legal documents. Secondary legal materials include literature, academic journals, and previous research related to the theory of justice and consumer protection law. Meanwhile, tertiary legal materials are obtained from encyclopedias, legal dictionaries, and bibliographic indexes that help strengthen the search. All collected data is then selected, classified, and organized based on relevance to the research problem. The analysis technique used is qualitative analysis with a descriptive-analytical pattern. The

¹⁹ Timur Bocharov, "Is There a 'Compensation Culture' in Contemporary Russia?," *Oñati Socio-Legal Series* 11, no. 2 (2021): 557–89, <https://doi.org/10.35295/OSLS.IISL/0000-0000-0000-1141>.

analysis is carried out by interpreting the applicable legal provisions, comparing the substance of regulations in Indonesia and Russia, and assessing the extent to which the principle of substantive justice is reflected in its implementation. The analysis stage starts from the identification of legal norms, testing the consistency of norms with the theory of substantive justice, to exploring the deeper meaning of consumer protection practices in both countries. The results of the analysis are then used to draw comparative conclusions that provide an overview of the strengths, weaknesses, and opportunities for strengthening consumer protection regulations in the Indonesian context.

RESULTS AND DISCUSSION

A. Application of Substantive Justice Theory in the Legal Framework of Consumer Protection

Substantive justice is a concept of justice that not only assesses compliance with formal rules, but also emphasizes whether the results achieved are truly fair for the parties involved.²⁰ One of the modern thinkers who has been influential in this understanding is John Rawls with his theory of justice as fairness.²¹ Rawls emphasizes the importance of two principles of justice, namely the principle of equal basic liberties for everyone and the difference principle which allows inequality only if it benefits the least advantaged.²² Within the framework of consumer protection, substantive justice means that the law must protect consumers whose position is weaker than that of businesses. Therefore, the law should not only be formally neutral, but must present a balance of outcomes that protect vulnerable parties.

The main principles in substantive justice can be elaborated as distributive justice, corrective justice, and restorative justice.²³ Distributive justice concerns how resources, rights, and obligations are distributed proportionally. Corrective justice focuses on efforts to restore those harmed by unjust actions committed by others.²⁴ Restorative justice emphasizes improving social relations by restoring the losses experienced by victims.²⁵ These three dimensions can be combined to guarantee substantive consumer protection. Thus, substantive justice in consumer protection law demands tangible results in the form of a balance of rights and obligations and effective protection. In the international legal framework, the concept of consumer protection has been affirmed through the United Nations Guidelines for Consumer Protection (UNGCP) in 1985, revised in 2015.²⁶ These guidelines emphasize that consumers have the right to safe access to goods and services,

²⁰ R. Ira Laksana Dewi, "Membumikan Nilai-Nilai Islam Dalam Penyelesaian Sengketa Ekonomi Syariah: Tinjauan Filosofis Dan Teoritis," *Equality: Journal of Islamic Law (EJIL)* 3, no. 2 (2025): 99–112, <https://doi.org/10.15575/EJIL.V3I2.1957>.

²¹ Samuel Frans Boris Situmorang et al., "Teori Keadilan Sebagai Fairness Karya John Rawls Dikaitkan Dengan Bank Tanah Di Indonesia," *Innovative: Journal Of Social Science Research* 3, no. 2 (2023): 1562–78, <https://j-innovative.org/index.php/Innovative/article/view/362>.

²² Heri Sulaiman et al., "John Rawls' Theory of Justice and Its Relevance in the Formulation of Community Property Division Policy in the Contemporary Era: Teori Keadilan John Rawls Dan Relevansinya Dalam Formulasi Kebijakan Pembagian Harta Bersama Di Era Kontemporer," *Al Hairy | Journal of Islamic Law* 1, no. 1 (2025): 25–36, <https://doi.org/10.64344/HRY.V1I1.13>.

²³ Yolanda Felicia Arianto et al., "Konsep Keadilan Restoratif Dalam Perspektif Teori Keadilan John Rawls," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 01 (2025): 1–1, <https://doi.org/10.11111/nusantara.xxxxxxx>.

²⁴ Nikmah Mentari, "Pengembalian Keuntungan Tidak Sah Terhadap Investor Ritel: Keadilan Korektif Melalui Konsep Disgorgement," *JATISWARA* 38, no. 1 (2023): 1–13, <https://doi.org/10.29303/JTSW.V38I1.462>.

²⁵ Arpandi Karjono, Parningotan Malau, and Ciptono Ciptono, "Penerapan Keadilan Restoratif Justice Dalam Hukum Pidana Berbasis Kearifan Lokal," *Jurnal Usm Law Review* 7, no. 2 (2024): 1035–50, <https://doi.org/10.26623/JULR.V7I2.9571>.

²⁶ Fitriani, Maulia, and Nugroho, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Lintas Negara."

adequate information, a wide range of choices, and effective redress mechanisms.²⁷ The UNGCP also underscores the importance of fair treatment for consumers, including vulnerable consumers.²⁸ This international spirit reinforces that consumer protection is not only an economic issue, but also an issue of social justice and human rights. Thus, consumer protection law must be based on the universal value of substantive justice.

The principles of consumer protection generally include the right to safety, the right to information, the right to choose, and the right to be heard.²⁹ The right to safety demands that products and services do not harm consumers.³⁰ The right to information ensures that consumers receive correct, clear and honest information regarding products.³¹ The right to choose gives consumers the opportunity to determine goods and services according to their preferences without market manipulation.³² Meanwhile, the right to be heard ensures that consumers have access to fair dispute resolution mechanisms and legal protection.³³ These principles are the basis that can be combined with the idea of substantive justice.

When associated with Rawls' theory of justice, the principle of consumer protection is in line with the idea of basic freedoms and protection for vulnerable groups. Consumers, as parties with low bargaining power, must receive extra legal protection to reduce inequality with businesses. Rawls' difference principle shows that any injustice that may arise in the relationship between consumers and producers must be directed to improve the conditions of consumers as vulnerable parties. In this way, consumer regulation becomes a real instrument of substantive justice. Consumer protection is not just an administrative rule, but a means of social justice. Substantive justice also emphasizes the effectiveness of results, not just the existence of formal rules. In consumer protection practice, this means that dispute resolution mechanisms must be simple, fast, and able to provide real compensation. If consumers are only given lengthy and complicated legal procedures, then legal protection is not substantive even though the formalities are available. Therefore, the design of consumer law must guarantee accessibility and fair results. Thus, the principle of substance is prioritized over mere procedure. In addition, consumer protection within the framework of substantive justice must be oriented towards preventing losses. Consumers should not bear the risk due to inadequate information or fraudulent practices by businesses. Therefore, the law needs to require businesses to actively provide honest and transparent information. This obligation is not only procedural, but substantive because the end result

²⁷ Syawalia Sigli and Romi Faslah, "Perlindungan Konsumen Di Pasar Abad Ke-21 Melalui Lensa Hukum, Empiris, Dan Islam | Jurnal Ekonomi Dan Bisnis Digital," *Jurnal Ekonomi Dan Bisnis Digital* 2, no. 4 (2025): 2647-53, <https://jurnal.ittc.web.id/index.php/jebd/article/view/2851>.

²⁸ Irfan Ridha et al., "Implementasi Perlindungan Konsumen Oleh Lembaga Perlindungan Konsumen Untuk Menegakkan Hak-Hak Konsumen Di Indonesia," *Jurnal Pendidikan Sosial Dan Humaniora* 4, no. 2 (2025): 2888-98, <https://publisherqu.com/index.php/pediaqu/article/view/1923>.

²⁹ Amanda Tikha Santriati and Dwi Runjani Juwita, "Perlindungan Hak Konsumen Dalam Perspektif Hukum Islam Dan Undang-Undang Perlindungan Konsumen Nomor 8 Tahun 1999," *Opinia de Journal* 2, no. 2 (2022): 32-51, <https://doi.org/10.35888/OPINIA.V2I2.30>.

³⁰ Dian Sera Fauzela, Miraya Dardanila, and Tabrani, "Perlindungan Hukum Bagi Konsumen Terhadap Produk Kosmetik Yang Mengandung Bahan Berbahaya Dalam Jual Beli Online (E-Commerce)," *Inovasi Pembangunan : Jurnal Kelitbang* 11, no. 01 (April 1, 2023): 1-1, <https://doi.org/10.35450/JIP.V11I01.358>.

³¹ Firdaus Ridhan Zhafari, "Pelanggaran Hukum Terhadap Hak Konsumen Oleh Pelaku Usaha Pada Marketplace Dengan Tidak Memberikan Informasi Mengenai Produk Secara Jelas," *UNES Law Review* 6, no. 3 (2024): 9633-39, <https://doi.org/10.31933/UNESREV.V6I3.1910>.

³² Akmal Huda Nasution et al., "Peran Konsumen Dalam Menciptakan Keseimbangan Persaingan Pasar Sempurna," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 5 (2024): 135-45, <https://doi.org/10.5281/ZENODO.14545417>.

³³ Dimas Ihza Bagus Windara and Widhi Cahyo Nugroho, "Penyelesaian Sengketa Oleh Lembaga Perlindungan Konsumen Dalam Memberikan Perlindungan Terhadap Hak-Hak Konsumen Di Industri Perbankan," *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 6465-74, <https://j-innovative.org/index.php/Innovative/article/view/6746>.

is the creation of consumers who are protected from losses. In this way, the regulation fulfills the principles of corrective and distributive justice at the same time.

Substantive justice in consumer protection also means paying attention to vulnerable consumer groups. Groups such as children, women, the elderly, and low-income communities often have limited capacity to understand product risks. Therefore, the principle of consumer protection must be implemented with special attention to these groups. This special protection is in line with Rawls' idea of protecting the most disadvantaged parties. Thus, substantive justice is realized through fair differential protection. The application of substantive justice requires an effective compensation system for consumers. The compensation provided is not only a formality, but must truly restore the losses experienced. Compensation can be in the form of a refund, replacement of goods, or repair of other losses. This mechanism reflects the principle of corrective justice which is at the heart of the theory of substantive justice. That way, consumer law ensures justice does not stop at the text, but is real in practice.

Another principle that is no less important is the affordability of access to justice for consumers. If the law can only be accessed by consumers who are knowledgeable and financially capable, then substantive justice is not achieved. Therefore, consumer protection needs to provide alternative dispute resolution mechanisms, such as mediation or consumer arbitration, which are cheap and simple. This reflects the realization of substantive justice because it ensures that all consumers, regardless of social status, have the opportunity to obtain justice. In this way, the law truly sides with consumers as the weaker party. In a global perspective, the application of substantive justice in consumer protection is also related to the development of digital commerce. Consumers are increasingly vulnerable to fraudulent practices, misused personal data, or products that do not meet standards. Therefore, the principle of consumer protection must be extended to the digital realm by guaranteeing transaction security, information transparency, and personal data protection. This spirit reflects substantive justice because the end result is consumers who are truly protected from modern risks. That way, the law remains relevant to the needs of the times.

The application of the theory of substantive justice in consumer protection means making the law a means to present a real balance between the interests of producers and consumers. The principles of substantive justice – distributive, corrective, and restorative – can be integrated with the principles of international consumer protection to ensure effective protection. Consumer protection should not stop at legal rhetoric, but must be felt in the daily lives of the community. Thus, consumer protection law functions not only as a normative instrument, but also as an instrument of substantive social justice.

B. Application of Substantive Justice Theory in Consumer Protection Regulation in Indonesia and Russia

Law Number 8 of 1999 concerning Consumer Protection (Consumer Protection Act) is the primary regulation in Indonesia that affirms the state's recognition of consumer rights. Article 4 of the Consumer Protection Act states that consumers have the right to comfort, security, and safety when consuming goods or services, as well as the right to receive

correct, clear, and honest information.³⁴ This principle substantially demonstrates an effort to distribute justice, because it places consumers in a position that is more protected from potential product hazards and misleading business practices. The right to safety and information is not only procedural, but a substantive right whose results must be felt by consumers in a real way. Thus, this regulation reflects the distributive justice dimension that balances the relationship between consumers and businesses. Article 7 of the Consumer Protection Act affirms the obligation of business actors to act in good faith in carrying out business activities, provide correct information, and guarantee the quality of goods/services produced.³⁵ This article is a concrete form of applying corrective justice, because business actors are obliged to prevent consumers from losses through information disclosure and quality assurance. In the perspective of substantive justice, this provision does not merely emphasize formal compliance, but ensures tangible results in the form of protecting consumer rights to the quality of goods and services. With the existence of moral and legal obligations, the Consumer Protection Act places producers in a position that must actively protect consumers. This principle strengthens substantive justice by ensuring a balance between rights and obligations.

Article 19 of the Consumer Protection Act regulates the responsibility of business actors for consumer losses. The wording of the article requires business actors to provide compensation in the form of a refund, replacement of goods, or maintenance of goods if it is proven that consumers have been harmed.³⁶ This provision is a real application of corrective justice, because the law does not stop at prohibitive norms, but provides real consequences in the form of restoring consumer rights. In a Rawlsian framework, this is in accordance with the difference principle that improves the position of the weakest party, namely consumers. This regulation reflects substantive justice because the result is real compensation felt by consumers. Article 45 of the Consumer Protection Act gives consumers the right to sue business actors through judicial mechanisms or consumer dispute resolution institutions.³⁷ This provision reflects substantive justice from the aspect of access to justice. Consumers are not only given procedures, but also a choice of simpler and cheaper mechanisms through the Consumer Dispute Resolution Agency. This is in line with the principle of substantive justice because the law must guarantee fair results through real accessibility. If access to justice is not provided, then the regulation is only formalistic and fails to realize substantive justice.

In Russia, consumer protection is regulated through the Law of the Russian Federation on Protection of Consumer Rights Nomor 2300-1 of 1992 (amended 2023).³⁸ Article 4 of this law states that consumers have the right to goods and services that are safe for life, health

³⁴ Dwi Nabila Yuliaputri and Wulan Windiarti, "Analisis Yuridis Perlindungan Hukum Bagi Konsumen Akibat Beredarnya Makanan Kadaluarsa Berdasarkan Putusan Nomor 79/Pid.Sus/2021/PN Soe," *J-CEKI: Jurnal Cendekia Ilmiah* 3, no. 5 (2024): 2780-89, <https://doi.org/10.56799/JCEKI.V3I5.4411>.

³⁵ Alfatusisah Alfatusisah and Annisa Sativa, "Keabsahan Hukum Perjanjian Jual Beli Melalui Whatsapp Bisnis Berdasarkan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Legal Standing: Jurnal Ilmu Hukum* 9, no. 4 (2025): 957-75, <https://doi.org/10.24269/LS.V9I4.12137>.

³⁶ Jetmiko Setiawan, Yetti, and Indra Afrita, "Tanggung Jawab Hukum Pelaku Usaha Atas Produk Cacat Tersembunyi," *The Juris* 9, no. 1 (2025): 217-33, <https://doi.org/10.56301/JURIS.V9I1.1676>.

³⁷ Sigit Wibowo, "Perlindungan Hukum Bagi Konsumen Dalam Sengketa Dengan Pelaku Usaha Pengembang Perumahan," *Jurnal Hukum Caraka Justitia* 2, no. 2 (2022): 156-75, <https://doi.org/10.30588/JHCJ.V2I2.1282>.

³⁸ Shokan Burashov et al., "Consumer Rights in the Republic of Kazakhstan and Their Legal Regulation: Transformation in the Context of Global Experience," *Public Integrity* 25, no. 6 (2022): 614-32, <https://doi.org/10.1080/10999922.2022.2101268;PAGE=STRING:ARTICLE/CHAPTER>.

and the environment.³⁹ This provision is in line with the principle of distributive justice, because it provides equal protection to consumers regardless of social status. Protection of health and safety demonstrates the substance of the law which is not only formal, but oriented towards real results in the form of security guarantees. Thus, Russian law has internalized the principle of substantive justice through fundamental regulations.

Article 8 of the law requires business actors to provide correct and complete information regarding goods/services, including prices, nature, and risks of use. This principle substantially affirms corrective justice, because accurate information becomes the basis for consumers in making decisions.⁴⁰ Without information, consumers are in a weak position, so this article functions to reduce structural inequality between consumers and producers. This provision shows that Russian regulations not only regulate procedures, but also require substantive transparency that has a direct impact on consumers. Articles 18–22 give consumers the right to claim compensation in the form of repairs, replacements, price reductions, or refunds if the goods/services do not meet standards.⁴¹ This is a strong manifestation of corrective justice, because consumers have a choice over the form of compensation that is most beneficial. Thus, Russian law not only affirms the responsibility of business actors, but also guarantees tangible results for consumers. The substantive principle is clear, because justice is measured by the restoration of losses that are actually felt. This shows recognition of consumers as parties who must be restored in a concrete way. Article 40 of the Russian law regulates dispute resolution mechanisms through the courts and non-litigation mechanisms.⁴² Consumers have the right to claim moral compensation in addition to material losses, which affirms the dimension of restorative justice. This shows that Russian regulations are more progressive because they pay attention to non-economic losses, something that is rarely accommodated in consumer regulations in many countries. In the framework of substantive justice, this is important because consumer losses are often not only in the form of financial losses, but also psychological suffering. Thus, Russian law expands the substance of justice by providing comprehensive protection.

Both Indonesia and Russia have adopted the principle of substantive justice in consumer protection regulations. Indonesia emphasizes the aspect of distribution of rights and obligations and access to justice through Consumer Dispute Resolution Agency, while Russia highlights comprehensive compensation, including moral damages. Both countries have strived to realize substantive justice by providing protection that is not only formal, but also produces real benefits for consumers. However, the level of implementation effectiveness certainly depends on law enforcement and business actor awareness. Normatively, Indonesia and Russia can be said to have succeeded in including substantive justice in consumer protection regulations, although the biggest challenge remains in the aspect of implementation.

³⁹ Olga Kovaleva, "Digitalization of the Housing and Communal Complex (HCS) in Russia as a Measure of Consumer Protection Utilities," in *Proceedings of the 1st International Scientific Conference "Legal Regulation of the Digital Economy and Digital Relations: Problems and Prospects of Development"* (LARDER 2020) (Atlantis Press, 2021), <https://doi.org/10.2991/aebmr.k.210318.013>.

⁴⁰ Elena Bagreeva and Elena Barakina, "Improving the System of Consumer Protection in the Russian Market in the Context of Achieving Leadership in Digitalization," in *Proceedings of the 4th International Conference on Social, Business, and Academic Leadership (ICSBAL 2019)* (Paris, France: Atlantis Press, 2019), 109, <https://doi.org/10.2991/icsbal-19.2019.20>.

⁴¹ Marina A. Bychko et al., "Economic Issues of Social Entrepreneurship," in *Economic Issues of Social Entrepreneurship*, ed. Elena G. Popkova and Bruno S. Sergi (Cham: Springer International Publishing, 2021), 205–15, https://doi.org/10.1007/978-3-030-77291-8_19.

⁴² T S Korobeynikov, "Consumer Online Dispute Resolution," in *Proceedings of the International Scientific Conference "Far East Con"* (ISCFEC 2020) (Atlantis Press, 2020), 3326, <https://doi.org/10.2991/aebmr.k.200312.480>.

CONCLUSION

Both Indonesia and Russia have accommodated the principles of substantive justice into their national regulations. Indonesia, through Law Number 8 of 1999, emphasizes consumer rights, the obligations of business actors, compensation mechanisms, and access to dispute resolution through the courts and Consumer Dispute Resolution Agency. Meanwhile, Russia, through the Law on Protection of Consumer Rights Number 2300-1 of 1992, affirms protection for consumer safety, information obligations, diverse compensation, and protection against moral damages. These two regulations have normatively placed consumers in a position that is more protected from potential injustice in their relationship with business actors. Thus, in terms of substance, both countries have succeeded in presenting legal instruments that are in line with the concept of substantive justice. Although normatively the regulations in both countries contain the principles of substantive justice, implementation on the ground still faces serious challenges. In Indonesia, the main obstacles lie in weak law enforcement, the limited effectiveness of Consumer Dispute Resolution Agency, and low consumer legal awareness. In Russia, although there are progressive moral compensation regulations and compensation mechanisms, legal cultural practices and accessibility to justice are still obstacles. This shows that substantive justice does not only depend on the quality of regulations, but also on the consistency of implementation, institutional readiness, and community support. In other words, the gap between norms and practices is the main challenge in realizing real substantive justice for consumers. Strategic steps are needed to strengthen the application of substantive justice in consumer protection. First, strengthening the capacity of consumer dispute resolution institutions to be more effective, easily accessible, and responsive to community needs. Second, increasing government supervision of business actors and imposing strict sanctions for violations, so that regulations are not only symbolic. Third, continuous consumer education so that legal awareness increases and consumers are able to use their rights optimally. Fourth, the exchange of best practices between countries through international forums can be a means to improve implementation weaknesses. With these steps, consumer protection regulations in Indonesia and Russia will not only be normatively substantive, but also implementative in everyday life. Conclusion contains a description that should answer the objectives of research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings.

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