


# Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice

Retno Sari Dewi<sup>1\*</sup>, Dwiatmanto<sup>2</sup>, Surjanti<sup>3</sup>

<sup>1,3</sup> Faculty of Law, Universitas Tulungagung, Tulungagung, Indonesia.

<sup>2</sup> STKIP PGRI Trenggalek, Trenggalek, Indonesia.

 : mahlabetubun@gmail.com

Corresponding Author\*



## Abstract

**Introduction:** Consumer protection is an important aspect as a global phenomenon and is practically implemented by various countries in the world.

**Purpose of the Research:** This research aims to describe the development of consumer protection regulations in Indonesia and to compare consumer protection between Indonesia, the Philippines and South Korea in realizing justice.

**Method of Research:** Normative legal research by prioritizing comparative, conceptual and statutory approaches.

**Results of Research:** The development of consumer protection regulations in Indonesia after the passing of the consumer protection law has actually facilitated the existence of consumer rights which are applied proportionally to consumer obligations. Even so, the practice of developments over time and technology also actually requires changes to consumer protection laws. In efforts to realize justice for consumers by referring to the consumer protection arrangements carried out by the Philippines and South Korea, Indonesia needs to optimize effective and substantive consumer complaint procedures as in the Philippines, including also referring to consumer protection practices carried out by South Korea by providing integrated legal assistance. for consumers in the consumer dispute process, both legal assistance in the form of consultations and legal assistance services in the form of lawyers for consumers.

**Keywords:** Consumer Rights; Comparative Law; Consumer Protection.


Submitted: 2024-03-21

Revised: 2024-06-22

Accepted: 2024-06-28

Published: 2024-06-XX

How To Cite: Retno Sari Dewi, Dwiatmanto, and Surjanti. "Comparison of Consumer Protection Laws Between Indonesia, the Philippines, and South Korea in Achieving Justice." SASI 30 no. 2 (2024): 169-182. <https://doi.org/10.47268/sasi.v30i2.2048>

Copyright © 2024 Author(s)  Creative Commons Attribution-NonCommercial 4.0 International License

## INTRODUCTION

Consumer protection is an important aspect in business relations because consumer protection aims to prioritize the service and satisfaction of consumers towards a product, whether it be a service or a good.<sup>1</sup> The importance of consumer protection has also become a global awareness in all countries around the world, namely through specific regulations in each country related to consumer rights or even specifically regulating consumer protection.<sup>2</sup> In Indonesia, for example, the orientation of consumer protection regulation is specifically governed by Law No. 8 of 1999 Regarding Consumer Protection (Consumer Protection Law).

<sup>1</sup> Mutia Rahmah et al., "The Study of Program and Roles of National Consumer Protection Agency Using Qualitative and Quantitative Approaches," *Journal of Child, Family, and Consumer Studies* 2, no. 3 (2023): 209-22, <https://doi.org/10.29244/jcfs.2.3.209-222>.

<sup>2</sup> Musa Taklima, Adi Sulistiyono, and M. Syamsudin, Consumer Protection As an Instrument for Fulfilling Human Rights in the Economic Sector and Its Constitutionalizing Efforts in the 1945 Constitution, *Jurisdicte* 4, no 1 (2023), <https://doi.org/10.18860/j.v14i1.20844>.

The regulation concerning consumer protection in Indonesia can be said to have been enacted in 1999, coinciding with the momentum of reform that began in 1998. This reform momentum then became a means to carry out reforms related to efforts to form legal regulations in the field of consumer protection in Indonesia. Although Indonesia has had the Consumer Protection Law as a legal basis related to consumer protection, recent developments regarding the relationship between consumers and businesses have become more comprehensive with the emergence of various human activities that accommodate technological advancements, such as digital transactions, which require regulation related to consumer rights in digital transactions.<sup>3</sup> In addition, there has also been theoretical development in the expansion of the meaning of "end consumers" in the Consumer Protection Law, namely that these end consumers not only consist of individuals as legal subjects, but also include legal entities that are *rechtsperson* as long as they use goods or services for consumptive purposes.<sup>4</sup>

The development regarding the legal relationship between consumers and businesses above is essentially a small example of the complexity of the development of relations between consumers and businesses. The complexity of the development of relations between consumers and businesses is important because it is also related to efforts to improve the regulations concerning consumer protection. The complexity of the development of relations between consumers and businesses also needs to consider how consumer protection is evolving in other countries because as a global phenomenon, consumer protection in general is also a concern of various countries in the world.<sup>5</sup> Therefore, this study specifically analyzes the comparison of consumer protection laws between Indonesia, the Philippines, and South Korea. The selection of the Philippines and South Korea for comparison in consumer protection laws is because the Philippines is a neighboring country of Indonesia and is a fellow ASEAN member state. This is to observe how other ASEAN countries respond to the development of consumer protection. The comparison with South Korea is due to South Korea being one of the Asian countries classified as a developed country and to see how South Korea, as a developed country, regulates consumer protection.

Previous research on consumer protection has indeed been conducted by several researchers before, but specifically, there has been no research discussing the comparison of consumer protection laws between Indonesia, the Philippines, and South Korea. This confirms that the originality of this research lies in the aspect of comparing laws related to consumer protection between Indonesia, the Philippines, and South Korea. The three previous studies discussing consumer protection are: firstly, the research conducted by Mahfudin et al. (2023) which discusses consumer protection in e-commerce transactions.<sup>6</sup> The novelty from the research of Mahfudin, et.al. (2023) is the necessity for revision and updating of consumer protection regulations, particularly by emphasizing the need for

---

<sup>3</sup> M Hendri Agustiawan, Khoirul Umam, and Mohammad Maleka, "The Importance of Consumer Protection Law Revision in the Development of E-Commerce in the Digital Transformation Era in Indonesia," *Proceedings of Islamic Economics, Business, and Philanthropy* 1, no. 2 SE-Articles (2022): 305-17, <https://jurnalfebi.iainkediri.ac.id/index.php/proceedings/article/view/249>.

<sup>4</sup> Yuyut Prayuti, "Restrictions on Cross-Border Trade in E-Commerce as a Form of Consumer Protection," *JILPR Journal Indonesia Law and Policy Review* 5, no. 1 (2023): 144-56, <https://doi.org/10.56371/jirpl.v5i1.177>.

<sup>5</sup> Ibtisam a.k.a Ilyana Ilias et al., "A Comparative Assessment of Alternative Dispute Resolution for Financial Consumer Protection in Malaysia and Indonesia," in *Kedah International Conference on Social Science and Humanities*, vol. 8 (e-IPH Ltd., 2023), 23-29, <https://doi.org/10.21834/e-bpj.v8isi13.5041>.

<sup>6</sup> Khalish Aunur Rahim. Et.AL., "Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual-Beli Online (E-Commerce)," *Jurnal Hukum Dan Sosial Politik* 1, no. 3 (2023): 6-9, <https://doi.org/10.25041/fiatjustisia.v7no2.378>.

specific principles of consumer protection in e-commerce transactions. Secondly, the study conducted by Hutabarat and Cahyani (2023) analyzes consumer protection in online savings group cases.<sup>7</sup> The novelty from Hutabarat and Cahyani's research (2023) is that consumers of online savings groups must have legal awareness, including the ability to understand Consumer Protection Law (UU PK), so that if there is any indication of breach of contract or fraud in online savings groups, they can take legal action in accordance with Consumer Protection Law and other relevant regulations. Thirdly, the research conducted by Ujianti et al. (2024) which discusses consumer protection related to losses experienced from expedition services.<sup>8</sup> The novelty from Ujianti et al.'s research is that consumers who are disadvantaged by expedition services can pursue non-litigation efforts, including reporting to the BPSK (Consumer Dispute Settlement Board). This research specifically aims to address two legal issues: the development of consumer protection regulations and the comparison of consumer protection between Indonesia, the Philippines, and South Korea in achieving justice.

## METHODS OF THE RESEARCH

This research, which focuses on comparing consumer protection aspects between Indonesia, the Philippines, and South Korea in achieving justice, is normative legal research. The main orientation of normative legal research is the use of principles, theories, and legal concepts in analyzing a legal issue.<sup>9</sup> The primary legal materials in this research are Law No. 8 of 1999 Concerning Consumer Protection (Consumer Protection Law) and legal products related to consumer protection regulation in the Philippines and South Korea. Secondary legal materials include various books and journal articles discussing the regulation and practices of consumer protection in Indonesia, the Philippines, and South Korea. Non-legal materials include legal dictionaries. The approach used in this research is a comparative, legislative, and conceptual approach. The analysis of legal materials is carried out in a prescriptive-qualitative manner by qualifying and analyzing legal issues with reference to existing legal materials.<sup>10</sup>

## RESULTS AND DISCUSSION

### A. Development of Consumer Protection Regulations

The development related to consumer protection is essentially a global phenomenon, meaning it is evolving in various countries around the world.<sup>11</sup> The development related to consumer protection as a global phenomenon certainly cannot be uniformly understood, meaning that all countries in the world implement the same regulations and practices regarding consumer protection. Although the orientation and value of providing consumer protection are discussed and practiced collectively in various countries around the world,

---

<sup>7</sup> Nadzira Arrum Cahyani et al., "Perlindungan Hukum Bagi Konsumen Terhadap Janji Pelaku Usaha Arisan Online Yang Belum Pasti," *Interpretasi Hukum* 4, no. 3 (2023): 742–49.

<sup>8</sup> Pande Gede et al., "Perlindungan Hukum Terhadap Konsumen Yang Dirugikan Atas Kehilangan Barang Dan Rusak Oleh Perusahaan Ekspedisi J&T Express Di Gianyar," *Preferensi Hukum* 5, no. 1 (2024): 118–23, <https://doi.org/10.55637/jph.5.1.8720.118-123>.

<sup>9</sup> Cynthia Hadita Eka N.A.M. Sihombing, *Penelitian Hukum*, 1st ed. (Malang: Setara Press, 2022).

<sup>10</sup> Galang Taufani Suteki, *Metodologi Penelitian Hukum (Filsafat, Teori, Dan Praktik)*, 1st ed. (Depok: Rajawali Pers, 2018).

<sup>11</sup> Anna Maria Tri Anggraini and Maya Indrasti Notoprayitno, "Protection of Consumers with Disabilities in The Public Services Sector (Legal Comparative with Australia)," *Journal of Consumer Sciences* 8, no. 1 (2023): 1–14, <https://doi.org/10.29244/jcs.8.1.1-14>.

the aspects of locality and particularity remain dominant, so each country has its own legal products and policies related to efforts to ensure consumer protection.<sup>12</sup>

In general, the orientation towards providing consumer protection is increasingly prominent in the United States, particularly in the 19th century when organized consumer movements began to emerge in the country. This specifically occurred in 1891 when the Consumer League was established in New York City as an organization or community that accommodated the consumer movement.<sup>13</sup> The internship in New York City then became an inspiration at the national level, particularly in 1898 when The National Consumer's League was officially established in the United States. It is a league or national consumer organization in the United States. The existence of various consumer protection leagues or communities in the United States essentially initiated the birth of consumer protection regulations in the United States, namely The Meat Inspection Act and The Food and Drugs Act, which were enacted in 1906.<sup>14</sup> This regulation can be considered as the first rule that specifically addresses consumer protection in the United States. In its development, particularly in 1938, revisions were made to The Meat Inspection Act and The Food and Drugs Act, which were enacted in 1906, to become The Food, Drug, and Cosmetics Act in 1938. Revisions to The Meat Inspection Act and The Food and Drugs Act were made not only due to the changing times necessitating revisions to existing regulations, but also because of the Elixir Sulfanilamide tragedy that occurred in 1937, resulting in the loss of 93 consumer lives.<sup>15</sup>

The development of consumer protection in the United States has become more comprehensive, especially after the establishment of the Federal Trade Commission (FTC) in 1914. This marked an important point in the socialization of consumer awareness, where in the 1930s there began a widespread authorship of books or articles discussing consumer protection. The development related to consumer protection, which became a crucial point in the realization of the field of consumer protection law, occurred in 1962 when President of the United States, John F. Kennedy, delivered a substantive speech to the United States Congress reaffirming consumer rights. John F. Kennedy's speech affirming consumer rights is commonly referred to as the Declaration of Consumer Rights.<sup>16</sup>

The speech of the President of the United States, John F. Kennedy, which resulted in the Declaration of Consumer Rights, implies at least two aspects: first, affirming consumer rights universally and globally so that in the international business climate, consumer rights are more respected. Second, the Declaration of Consumer Rights in 1962 also marks a significant point in the development of studies related to consumer protection law. The development of these consumer protection law studies is also global in nature, meaning they are growing and influential in various countries around the world.<sup>17</sup> This can be seen with the massive regulations related to consumer protection formed by various countries around the world, such as Japan, which in 1968 established rules related to consumer protection, the United Kingdom, which in 1970 formed The Consumer Protection

---

<sup>12</sup> Felix Pratama Tjipto, Jason Pratama Ong, Marshal Ramadhan Sulistio, Tri Harnowo. "Consumer Protection Law: The Case Study Of Grabtoko Company In Indonesian E-Commerce Transactions." *Journal of Private and Commercial Law* 5 no. 2 (2023): 120-140.

<sup>13</sup> L Lusita, W S Widiarty, and G L Tobing. "Legal Protection for Consumers Related to Standard Clauses According to Law Number 8 of 1999 Concerning Consumer Protection." *International Journal of Law* 8, no. 2 (2022): 7-13, <http://repository.uki.ac.id/id/eprint/9100>.

<sup>14</sup> Hulman Panjaitan, *Hukum Perlindungan Konsumen* (Jakarta: Jala Permata Aksara, 2021).

<sup>15</sup> Panjaitan.

<sup>16</sup> Hijawati Hijawati, "Peredaran Obat Illegal Ditinjau Dari Hukum Perlindungan Konsumen," *Solusi* 18, no. 3 (2020): 394-406, <https://doi.org/10.36546/solusi.v18i3.310>.

<sup>17</sup> Rani Abdul Atsar, Apriani, *Buku Ajar Hukum Perlindungan Konsumen* (Sleman: Deepublish, 2019).



Fundamental Act, which was later followed by several countries in Southeast Asia such as Singapore, which in 1975 formulated The Consumer Protection, and Thailand, which in 1979 enacted The Consumer Act.<sup>18</sup>

Various consumer protection regulations in different countries indicate that the efforts to enforce consumer rights, initially undertaken on a massive scale in the United States, have become a global phenomenon and are enforced in various countries worldwide. As a global phenomenon, the orientation towards specific regulations concerning consumer protection also "compels" countries that do not yet have specific regulations regarding consumer protection to formulate such regulations. This also occurred in Indonesia, which began formulating specific regulations regarding consumer protection in 1999, especially since the enactment of Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Law) on April 20, 1999.<sup>19</sup> Although officially enacted in 1999, it doesn't mean that Indonesia had no consumer protection regulations before that year. Indonesia actually had substantive regulations regarding consumer protection through various laws and regulations during the Dutch East Indies era, which, based on the principle of concordance, are still in effect. These include: Reglement Industriële Eigendom, S. 1912-545, jo. S. 1913 No. 214, Hinder Ordonnantie (commonly referred to as Disturbance Ordinance) S, 1926-226 jo. S. 1927-449, jo. S. 1940-14 and 450, and Loodwit Ordonnantie (commonly referred to as Carbonate Lead Ordinance), S. 1931 No. 28.<sup>20</sup>

Although Indonesia had consumer protection regulations before the enactment of the Consumer Protection Law in 1999, it is understandable that the rules from the Dutch colonial era did not fully accommodate substantial aspects related to consumer rights. Furthermore, while some legislation in Indonesia began to acknowledge the importance of enforcing consumer rights, such as in Law No. 10 of 1961 concerning Goods, Law No. 2 of 1981 concerning Legal Metrology, Law No. 5 of 1984 concerning Industry, Law No. 23 of 1992 concerning Health, and Law No. 7 of 1996 concerning Food, it can be concluded that these legal regulations did not comprehensively accommodate consumer protection. This is because the development of consumer protection law regulations began to gain momentum worldwide since the Declaration of Consumer Rights proposed by John F. Kennedy, the President of the United States. This further emphasizes that the enactment of the Consumer Protection Law in 1999 was intended to accommodate various developments related to consumer protection law, including principles, consumer understanding, consumer rights, and consumer dispute resolution.<sup>21</sup>

After the enactment of the Consumer Protection Law in 1999, at least the provisions regarding consumer protection in Indonesia became clearer. This also includes the definition of consumers based on Article 1 number 2 of the Consumer Protection Law, which defines consumers in this law only as final consumers, namely users of goods and/or services used for consumption purposes. This reinforces that consumers under the Consumer Protection Law are final consumers, so intermediate consumers are not qualified

---

<sup>18</sup> Tina Amelia, Evita Isretno Ishardi, and Hidayati Hidayati, "Harmonizing Consumer Protection Laws: E-Commerce as Challenges and Opportunities for Global Businesses," in *Proceedings of the International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (Atlantis Press SARL, 2023), 1507-16, [https://doi.org/10.2991/978-2-38476-180-7\\_155](https://doi.org/10.2991/978-2-38476-180-7_155).

<sup>19</sup> Mabarroh Azizah, "Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 153-65, <https://doi.org/10.24090/volksgeist.v4i2.5738>.

<sup>20</sup> Panjaitan, *Hukum Perlindungan Konsumen*.

<sup>21</sup> Muthia Sakti and Dwi Aryanti Ramadhani, "Halal Certification of Micro and Small Enterprises' Food Products for Consumer Protection," *Amsir Law Journal* 5, no. 1 (2023): 23-36, <https://doi.org/10.36746/alj.v5i1.296>.

as consumers according to the Consumer Protection Law. Intermediate consumers are consumers who use a good and/or service as part of the production process, so the use of a good and/or service is not consumed consumptively.<sup>22</sup> Clarification of the definition of consumers in this Consumer Protection Law is important because not only are intermediate consumers not classified as consumers according to the Consumer Protection Law, but intermediate consumers also cannot enjoy the guarantee of consumer rights as stipulated in the Consumer Protection Law.<sup>23</sup>

Another important aspect of the enactment of the Consumer Protection Law (UU PK) is the affirmation regarding the principle of consumer protection as stated in Article 2 of the Consumer Protection Law, which includes: the principle of utility, the principle of justice, the principle of balance, the principle of consumer safety and security, as well as the principle of legal certainty.<sup>24</sup> The affirmation of the principle of consumer protection in the Consumer Protection Law becomes important because in legal science, principles occupy a significant position as the foundation or basis for the application of a legal norm.<sup>25</sup> This implies that legal norms conflicting with legal principles essentially lose their validity. As affirmed in the Consumer Protection Law, the principle of utility means that various provisions and policies of consumer protection law should be directed towards maximizing benefits for consumers. This is so that consumer rights can be properly applied, and various provisions and policies of consumer protection law should be oriented towards the benefit of consumers.

The principle of justice places consumer rights and obligations fairly and proportionally. This includes the affirmation of consumer rights and obligations along with business actors as a comprehensive unity, thus they must be implemented fairly.<sup>26</sup> The principle of this balance emphasizes the interconnection of the three parties in efforts to ensure consumer protection, which include: consumers, the government, and businesses. The principle of consumer security and safety is an important focus for both the government and businesses to prioritize consumer safety and security. This also includes the assertion of requirements and certifications related to the quality of goods or services with detailed scrutiny and supervision to maximize consumer safety and security assurance.<sup>27</sup> The principle of legal certainty is related to the rigid guarantee of consumer rights through various existing laws and regulations.

Understanding the importance of the five principles in consumer protection above, in its development, should also be supplemented with an understanding of the three main principles of consumer protection. The three main principles of consumer protection generally relate to efforts to ensure a harmonious relationship between consumers and businesses, including efforts of accountability of businesses to consumers. These three

---

<sup>22</sup> Siti Mahmudah et al., "Consumer Protection Arrangements For Flat Houses In The Bankruptcy Regulation Regime In Indonesia," *Russian Law Journal* 11, no. 6 (2023): 291–303.

<sup>23</sup> Siti Faik Habibah and Ratna Herawati, "What Is the Role of the Consumer Protection Agency in Leveraging and Obligatoir Systems?," *International Journal of Social Science and Human Research* 6, no. 4 (2023): 2456–61, <https://doi.org/10.47191/ijsshr/v6-i4-59>.

<sup>24</sup> Nabilah Luthfiah Chusnida and Yenny Eta Widyanti, "Analysis of the Application of Article 18 of the Consumer Protection Law in Tourism Services," *International Journal of Business, Law, and Education* 5, no. 1 (2024): 668–80.

<sup>25</sup> T. Tarmizi, "The Principle of Consensualism and Freedom of Contract as a Reflection of Morality and Legal Certainty of Contract Laws in Indonesia," *Webology* 17, no. 2 (2020): 336–47, <https://doi.org/10.14704/WEB/V17I2/WEB17036>.

<sup>26</sup> Harris Arthur Hedar, "The Indonesian Government's Policies to Improve Air Travel Consumer Protection," *Asian Journal of Social and Humanities* 2, no. 3 (2023): 1802–11, <https://doi.org/10.59888/ajosh.v2i03.198>.

<sup>27</sup> Jovita Irawati and Kevin Gorga Kennedy Hutagalung, "Standard Clauses in Vehicle Purchase Credit Agreements in Indonesia: An Examination of Consumer Protection and Legal Enforcement," *Journal of Judicial Review* 25, no. 2 (2023): 255, <https://doi.org/10.37253/jjr.v25i2.8589>.

principles include the principle of negligence or liability for negligence, the principle of breach of warranty which is liability based on breach of contract by one party, and the principle of strict product liability.<sup>28</sup> The principle of negligence, or generally understood as liability based on fault, emphasizes that the wrongdoing of a business operator that harms consumers is the basis for consumers to claim compensation. In this context, if the wrongdoing of the business operator is clear and results in harm to the consumer, then the consumer can file a lawsuit.

The next principle relates to breach of warranty, which is accountability based on the failure of one party. Generally, this principle emphasizes the responsibility of the business operator to the consumer if it is accompanied by a breached draft agreement or contract. However, in its development, the principle of breach of warranty has evolved not only to be based on agreements or contracts but also on distribution or advertisements in the mass media, and if they are not compliant, consumers can file a lawsuit against the business operator.<sup>29</sup> The next principle is the principle of strict product liability, which states that when consumers receive defective, unfit, or misrepresented products from the business entity, they are entitled to compensation without having to prove the fault of the business entity.<sup>30</sup> Referring to the five principles and principles of consumer protection above, it can be seen that the Consumer Protection Law (UU PK) has indeed brought about significant changes regarding the orientation of consumer protection in Indonesia.

The massive technological developments inherently also require specific regulations related to the update of the Consumer Protection Law. This can be seen politically, efforts to revise the Consumer Protection Law have been included in the National Legislation Program (Prolegnas) in 2023.<sup>31</sup> This indicates the urgent need for revisions to the Consumer Protection Law (UU PK), considering the massive development of technology that has changed the pattern and orientation of consumer protection in Indonesia. Generally, the updates to the Consumer Protection Law are oriented towards five aspects, namely<sup>32</sup>: First, the orientation is to affirm the definitions of consumers and businesses, including the clarification of rights and obligations for both consumers and businesses. The mandatory change in definition is necessary to facilitate the distinction that businesses should be classified into two categories: those dealing with goods and those dealing with services. Second, detailed regulation is needed for distinguishing service providers because there are two types emerging: commercial service providers aimed at profit-making and professional service providers primarily seeking livelihood. Such differentiation is necessary to ensure precise regulation regarding service providers.

Third, concerning the emphasis on consumer obligations, if consumers fail to fulfill their obligations, they will forfeit their rights, including rights to compensation, replacement, or reimbursement. Fourth, it is important to regulate standardized clauses specifically tailored

---

<sup>28</sup> Jayvenson Christopher, Dellano Here, and Dewa Gde Rudy, "Consumer Protection For Losses Arising From The Use Of Auto Pilot-Based Technology In Indonesia," *Policy, Law, Notary and Regulatory Issues (Polri)* 3, no. 1 (2024): 106-12.

<sup>29</sup> Sri Retno Widyorini and Sri Hartati, "Traditional Medicine and Consumer Legal Protection," in *ICLEH* (Atlantis Press SARL, 2023), 576-87, [https://doi.org/10.2991/978-2-38476-024-4\\_57](https://doi.org/10.2991/978-2-38476-024-4_57).

<sup>30</sup> Deviana Yuanitasari, Hazar Kusmayanti, and Agus Suwandono, "A Comparison Study of Strict Liability Principles Implementation for the Product Liability within Indonesian Consumer Protection Law between Indonesia and United States of America Law," *Cogent Social Sciences* 9, no. 2 (2023): 1-9, <https://doi.org/10.1080/23311886.2023.2246748>.

<sup>31</sup> BPKN, "Ketua BPKN Optimistis RUU Perlindungan Konsumen Segera Disahkan," 2023, <https://bpkn.go.id/beritaterkini/detail/ketua-bpkn-optimistis-ruu-perlindungan-konsumen-segera-disahkan> (Accessed on March 10, 2024).

<sup>32</sup> Willa Wahyuni, "5 Poin Penting Dalam RUU Perlindungan Konsumen," 2023, <https://www.hukumonline.com/berita/a/5-poin-penting-dalam-ruu-perlindungan-konsumen-lt64942d50c2d40/> (Accessed on March 10, 2024).

to each model or field of business. This is also relevant in connection with electronic commerce practices that introduce electronic clauses, where consent can be granted simply by a "click" and thus require further formatting and regulation.<sup>33</sup> Fifth, there is a significant orientation towards improving the conception of business accountability by applying the concept of absolute responsibility to the products of the business entity. In this context, consumers who receive goods or services considered defective or incomplete are entirely the responsibility of the business entity without needing to be proven first by the consumer.

From the analysis above, it can be concluded that although the general orientation towards consumer protection began to grow in 1962 in the United States, not all countries were able to respond to developments related to consumer protection. Indonesia only had specific legislation regulating consumer protection in 1999. The development of consumer protection regulations in Indonesia after the enactment of the Consumer Protection Law (UU PK) has indeed facilitated the existence of consumer rights proportionally applied with consumer obligations. Nevertheless, the evolution of time and technology demands changes to the Consumer Protection Law, especially to facilitate the development of consumer protection in the era of digitalization.

## **B. Comparison of Consumer Protection Laws between Indonesia, the Philippines and South Korea in Realizing Justice**

The arrangement related to consumer protection as it evolves in Indonesia essentially requires comparison or at least needs to see how other countries regulate consumer protection. Comparison with other countries is necessary because consumer protection regulation is a global phenomenon, since the presentation of the Declaration of Consumer Rights by the President of the United States, John F. Kennedy, regulation related to consumer protection and guarantees of consumer rights have become the focus of various countries in the world.<sup>34</sup> Comparison of law from the perspective of legal science also plays an important role, especially in the evaluative aspect where by comparing with other countries, the legal arrangement in a country can see its strengths and weaknesses, thus becoming material for evaluation to formulate better arrangements in the future.

Regarding consumer protection regulations, this research conducts a comparison of laws between consumer protection regulations in Indonesia, the Philippines, and South Korea. The selection of the Philippines and South Korea for legal comparison related to consumer protection is because the Philippines is a neighboring country of Indonesia and is a fellow ASEAN country. This is to see how other ASEAN countries respond to the development of consumer protection. Legal comparison with South Korea is because South Korea is one of the advanced countries in Asia and to see how South Korea as an advanced country regulates consumer protection. This is intended to serve as a means to observe consumer protection regulations in Indonesia along with its future orientation.

Comparisons of laws related to the substance of consumer protection regulations between Indonesia, the Philippines, and South Korea refer to Ratno Lukito's view, essentially a legal comparison emphasizing the similarities of the substance being regulated.<sup>35</sup> The comparison of this type of law essentially does not emphasize the

---

<sup>33</sup> Fajriawati, "Enforcement of Consumer Protection Rights in The Digital Market," *Indonesian Journal Education* 2, no. 4 (2023): 41-44, <https://doi.org/10.30596/jcositte.v1i1.xxxx>.

<sup>34</sup> Habibah and Herawati, "What Is the Role of the Consumer Protection Agency in Leveraging and Obligatoir Systems?"

<sup>35</sup> Ratno Lukito, "'Compare But Not to Compare': Kajian Perbandingan Hukum Di Indonesia," *Undang: Jurnal Hukum* 5, no. 2 (2022): 273.



dichotomy related to legal systems, whether civil law or common law, because comparisons that only focus on the tradition or legal system of civil law or common law alone are considered irrelevant and not comprehensive enough to explore the development of legal regulations, especially in the era of technological and informational advancement.<sup>36</sup> Therefore, specifically, the comparison of consumer protection laws between Indonesia, the Philippines, and South Korea emphasizes more on the substance of consumer protection regulations set by each country.

The regulations regarding consumer protection in the Philippines can be said to have been established first in 1992 through The Consumer Act of the Philippines, or Republic Act 7394.<sup>37</sup> This confirms that the Philippines actually had specific consumer protection arrangements earlier than Indonesia, which only established specialized laws regarding consumer protection in 1999. Consumer protection regulations in the Philippines, through The Consumer Act of the Philippines, or Republic Act 7394, can be considered quite comprehensive as they accommodate rights and legal protections for consumers, including the right to accurate information and consumer safety, sanctions and legal remedies for consumers, including business liability such as refunds or replacements if a product does not meet the promised or advertised standards.

Furthermore, especially in the era of technological and informational advancement, the Philippines also enacted the Cybercrime Prevention Act of 2012, which superficially addresses efforts to protect consumers in digital transactions. This essentially confirms that the formulation of the Cybercrime Prevention Act of 2012 in the context of consumer protection is to complement the provisions in The Consumer Act of the Philippines, or Republic Act 7394.<sup>38</sup> One form of responsive regulation from the Philippines amidst the growing digital transactions is the availability of online reporting related to constraints or potential legal violations that occur during digital transactions. This reporting is done through specific sites and mechanisms managed by the Department of Trade and Industry (DTI), where the reporter or complainant first provides a brief chronology of what happened and the issues faced. The Department of Trade and Industry (DTI) may then follow up on these reports with the National Consumer Affairs Council (NCAC) of the Philippines regarding complaints or constraints experienced in these digital transactions.<sup>39</sup> The role of the government represented by the Department of Trade and Industry (DTI), which is then followed up by the National Consumer Affairs Council (NCAC) of the Philippines, plays an important role in ensuring various consumer rights are better protected and fulfilled, especially in the era of digital transactions which have not been comprehensively accommodated specifically in The Consumer Act of the Philippines, or Republic Act 7394. This emphasizes that consumer protection in the Philippines not only refers to the legal framework of laws and regulations but also refers to institutional responsiveness through the role of the National Consumer Affairs Council (NCAC) of the Philippines massively and comprehensively. This is also supported by appropriate and fast dispute resolution mechanisms that can even be facilitated online.

---

<sup>36</sup> Peter De Cruz, *Comparative Law in a Changing World* (London: Taylor & Francis Group, 2015).

<sup>37</sup> Chona Pajarillo-agustin, "Consumers Awareness Assessment Survey in the Province of Cagayan," in *Proceeding Medan International Conference Economics and Business*, vol. 1, 2023, 2476-96.

<sup>38</sup> Juthamas Thirawat, "E-Commerce in Asean: An Emerging Economic Superpower and the Case for Harmonizing Consumer Protection Laws," *South Carolina Journal of International Law and Business* 18, no. 2 (2022): 39-87.

<sup>39</sup> Ricardo L Dizon, Hazel Arandez-tanchuling, and Raul C Montemayor, "The Gains and Losses of Producers and Consumers in the Implementation of Rice Tariffication Law : An Integrated Impact Analysis," *Journal of Namibian Studies* 2, no. 34 (2023): 325-49.

In contrast to the regulation in the Philippines, South Korea regulates consumer protection more specifically in their country. It can be seen that South Korea has regulated consumer protection in their country since 1970, which means South Korea has responsively regulated consumer protection directly after the Declaration of Consumer Rights by the President of the United States, John F. Kennedy. Further developments regarding consumer protection regulation in South Korea are regulated through the Basic Consumer Act 9 2006, in which it is stipulated that consumer protection specifically becomes the responsibility of the Korea Fair Trade Commission/KFTC and is managed specifically by an institution named the Korea Consumer Agency (KCA).<sup>40</sup> In general, the Korea Consumer Agency (KCA) has authority related to research and assessment concerning consumer protection, consumer education, as well as handling consumer complaints including assisting consumers in filing compensation claims against businesses through the Consumer Dispute Settlement Commission (CDSC), where the Korea Consumer Agency (KCA) assists in providing lawyers for consumers undergoing the mediation process.<sup>41</sup> This confirms that in practice in South Korea, consumers are not only guaranteed their rights but also facilitated in the mediation process so that consumers optimally obtain the expected justice.

Another important aspect of consumer protection in South Korea is that South Korea responsively often revises regulations related to consumer protection, the latest of which was revised through Republic of Korea Law Number 15696 of 2018 concerning Consumer Protection and Republic of Korea Law Number 15698 concerning Consumer Protection in E-Commerce Transactions.<sup>42</sup> From the description related to consumer protection in South Korea, it can be seen that besides the role of institutions progressively assisting in facilitating the fulfillment of consumer rights including legal assistance for disputing consumers, consumer protection in South Korea also emphasizes the responsiveness of legislative regulations by comprehensively revising consumer protection regulations, especially regarding the development of e-commerce transaction practices.

Looking at consumer protection practices as conducted in the Philippines, it can be observed that although consumer protection regulations in the Philippines are not as responsive as those in South Korea, the Philippines has the Department of Trade and Industry (DTI) which facilitates complaints and reports regarding consumer protection, and also follows up on reports to the National Consumer Affairs Council (NCAC) of the Philippines. The practice of consumer protection in South Korea can be said to be more comprehensive by responsively revising consumer protection laws in 2018 to specifically and comprehensively regulate consumer protection in e-commerce transactions, as well as the role of the Korea Fair Trade Commission/KFTC and specifically managed by an institution called the Korea Consumer Agency (KCA) to conduct studies, forward consumer complaints, and also provide legal consultation and assistance to consumers in case of compensation claims through the Consumer Dispute Settlement Commission (CDSC), including in the mediation process.

---

<sup>40</sup> Sung Hoon Ko, Ji Young Kim, and Yongjun Choi, "Consumers' Corporate Social Responsibility Perception and Anti-Consumer Awareness: Roles of Compassion and Corporate Social Responsibility Authenticity in South Korea," *Behavioral Sciences* 13, no. 8 (2023): 2-7, <https://doi.org/10.3390/bs13080622>.

<sup>41</sup> Taekyoon Kim, "The Embedded Hybridity of Ethical Consumerism: At the Nexus of Consumer Justice Movements and Social Economies in South Korea," *Korea Journal* 63, no. 3 (2023): 36-63, <https://doi.org/10.25024/kj.2023.63.3.36>.

<sup>42</sup> Rina Shahriyani Shahrullah, Jihyun Park, and Irwansyah Irwansyah, "Examining Personal Data Protection Law of Indonesia and South Korea: The Privacy Rights Fulfilment," *Hasanuddin Law Review* 10, no. 1 (2024): 1-20, <https://doi.org/10.20956/halrev.v10i1.5016>.

From the consumer protection practices in the Philippines and South Korea, in achieving justice, Indonesia needs to effectively enhance the role of integrated consumer complaint institutions with the government, especially regarding complaints in e-commerce transactions. The optimization of effective and substantive consumer complaint institutions and procedures as in the Philippines can actually be implemented simultaneously as a concern in the revision of consumer protection laws to regulate consumer complaint institutions and mechanisms. Referring to practices in South Korea, Indonesia also needs to synergize various consumer protection institutions such as the National Consumer Protection Agency (BPKN), Community-Based Consumer Protection Institutions (LPKSW), and Consumer Dispute Resolution Bodies (BPSK) which integratedly assist consumers in the consumer dispute process, including providing legal assistance such as legal consultation and lawyer assistance in consumer dispute processes.

## CONCLUSION

Consumer protection orientation actually began to grow in the United States in 1962, but not all countries were able to respond to developments related to consumer protection. Indonesia only had specific legislation regulating consumer protection in 1999. The development of consumer protection regulations in Indonesia after the enactment of the Consumer Protection Law has actually facilitated the existence of consumer rights proportionally applied with consumer obligations. Nevertheless, the practices of time and technology development also demand changes to the Consumer Protection Law, especially to facilitate the development of consumer protection in the era of digitalization. Efforts to achieve justice for consumers by referring to consumer protection regulations carried out by the Philippines and South Korea mean Indonesia needs to optimize effective and substantive consumer complaint procedures, as done in the Philippines, to be immediately implemented and as a focus in the revision of consumer protection laws to regulate institutions and mechanisms related to consumer complaints. Referring to consumer protection practices carried out in South Korea, Indonesia also needs to comprehensively regulate legal assistance for consumers in consumer dispute resolution processes, both legal assistance in the form of consultations and legal aid services provided by lawyers to consumers.

## REFERENCES

### *Journal Article*

Agustiawan, M Hendri, Khoirul Umam, and Mohammad Maleka. "The Importance of Consumer Protection Law Revision in the Development of E-Commerce in the Digital Transformation Era in Indonesia." *Proceedings of Islamic Economics, Business, and Philanthropy* 1, no. 2 SE-Articles (2022): 305-17. <https://jurnalfebi.iainkediri.ac.id/index.php/proceedings/article/view/249>.

Amelia, Tina, Evita Isretno Ishardi, and Hidayati Hidayati. "Harmonizing Consumer Protection Laws: E-Commerce as Challenges and Opportunities for Global Businesses." In *Proceedings of the International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)*, 1507-16. Atlantis Press SARL, 2023. [https://doi.org/10.2991/978-2-38476-180-7\\_155](https://doi.org/10.2991/978-2-38476-180-7_155).

Anggraini, Anna Maria Tri, and Maya Indrasti Notoprayitno. "Protection of Consumers

- with Disabilities in The Public Services Sector (Legal Comparative with Australia)." *Journal of Consumer Sciences* 8, no. 1 (2023): 1-14. <https://doi.org/10.29244/jcs.8.1.1-14>.
- Arthur Hedar, Harris. "The Indonesian Government's Policies to Improve Air Travel Consumer Protection." *Asian Journal of Social and Humanities* 2, no. 3 (2023): 1802-11. <https://doi.org/10.59888/ajosh.v2i03.198>.
- Azizah, Mabarroh. "Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 153-65. <https://doi.org/10.24090/volksgeist.v4i2.5738>.
- Cahyani, Nadzira Arrum, Sylvana Murni, Deborah Hutabarat, Fakultas Hukum, Universitas Pembangunan, Nasional Veteran, and Janji Tidak Pasti. "Perlindungan Hukum Bagi Konsumen Terhadap Janji Pelaku Usaha Arisan Online Yang Belum Pasti." *Interpretasi Hukum* 4, no. 3 (2023): 742-49.
- Christopher, Jayvenson, Dellano Here, and Dewa Gde Rudy. "Consumer Protection For Losses Arising From The Use Of Auto Pilot-Based Technology In Indonesia." *Policy, Law, Notary and Regulatory Issues (Polri)* 3, no. 1 (2024): 106-12.
- Chusnida, Nabilah Luthfiyah, and Yenny Eta Widyanti. "Analysis of the Application of Article 18 of the Consumer Protection Law in Tourism Services." *International Journal of Business, Law, and Education* 5, no. 1 (2024): 668-80.
- Dizon, Ricardo L, Hazel Arandez-tanchuling, and Raul C Montemayor. "The Gains and Losses of Producers and Consumers in the Implementation of Rice Tariffication Law : An Integrated Impact Analysis." *Journal of Namibian Studies* 2, no. 34 (2023): 325-49.
- Fajriawati. "Enforcement of Consumer Protection Rights in The Digital Market." *Indonesian Journal Education* 2, no. 4 (2023): 41-44. <https://doi.org/10.30596/jcositte.v1i1.xxxx>.
- Gede, Pande, Gita Putra, I Nyoman Putu Budiarta, Ni Made, and Puspasutari Ujianti. "Perlindungan Hukum Terhadap Konsumen Yang Dirugikan Atas Kehilangan Barang Dan Rusak Oleh Perusahaan Ekspedisi J&T Express Di Gianyar." *Preferensi Hukum* 5, no. 1 (2024): 118-23. <https://doi.org/10.55637/jph.5.1.8720.118-123>.
- Habibah, Siti Faik, and Ratna Herawati. "What Is the Role of the Consumer Protection Agency in Leveraging and Obligatoir Systems?" *International Journal of Social Science and Human Research* 6, no. 4 (2023): 2456-61. <https://doi.org/10.47191/ijsshr/v6-i4-59>.
- Hijawati, Hijawati. "Peredaran Obat Illegal Ditinjau Dari Hukum Perlindungan Konsumen." *Solusi* 18, no. 3 (2020): 394-406. <https://doi.org/10.36546/solusi.v18i3.310>.
- Ilias, Ibtisam a.k.a Ilyana, Muhamad Ikhwan Mohd Zain, Nur Ezan Rahmat, and Dinda Keumala. "A Comparative Assessment of Alternative Dispute Resolution for Financial Consumer Protection in Malaysia and Indonesia." In *Kedah International Conference on Social Science and Humanities*, 8:23-29. e-IPH Ltd., 2023. <https://doi.org/10.21834/e-bpj.v8isi13.5041>.
- Irawati, Jovita, and Kevin Gorga Kennedy Hutagalung. "Standard Clauses in Vehicle Purchase Credit Agreements in Indonesia: An Examination of Consumer Protection and Legal Enforcement." *Journal of Judicial Review* 25, no. 2 (2023): 255. <https://doi.org/10.37253/jjr.v25i2.8589>.



- Khalish Aunur Rahim. Et. Al. "Perlindungan Hukum Bagi Konsumen Dalam Transaksi Jual-Beli Online (E-Commerce)." *Jurnal Hukum Dan Sosial Politik* 1, no. 3 (2023): 6–9. <https://doi.org/10.25041/fiatjustisia.v7no2.378>.
- Kim, Taekyoon. "The Embedded Hybridity of Ethical Consumerism: At the Nexus of Consumer Justice Movements and Social Economies in South Korea." *Korea Journal* 63, no. 3 (2023): 36–63. <https://doi.org/10.25024/kj.2023.63.3.36>.
- Ko, Sung Hoon, Ji Young Kim, and Yongjun Choi. "Consumers' Corporate Social Responsibility Perception and Anti-Consumer Awareness: Roles of Compassion and Corporate Social Responsibility Authenticity in South Korea." *Behavioral Sciences* 13, no. 8 (2023): 2–7. <https://doi.org/10.3390/bs13080622>.
- Lukito, Ratno. "'Compare But Not to Compare': Kajian Perbandingan Hukum Di Indonesia." *Undang: Jurnal Hukum* 5, no. 2 (2022): 273.
- Lusita, L, W S Widiarty, and G L Tobing. "Legal Protection for Consumers Related to Standard Clauses According to Law Number 8 of 1999 Concerning Consumer Protection." *International Journal of Law* 8, no. 2 (2022): 7–13. <http://repository.uki.ac.id/id/eprint/9100>.
- Mahmudah, Siti, M O H Asadullah, Hasan Al, and A S Y Arie. "Consumer Protection Arrangements For Flat Houses In The Bankruptcy Regulation Regime In Indonesia." *Russian Law Journal* 11, no. 6 (2023): 291–303.
- Prayuti, Yuyut. "Restrictions on Cross-Border Trade in E-Commerce as a Form of Consumer Protection." *JILPR Journal Indonesia Law and Policy Review* 5, no. 1 (2023): 144–56. <https://doi.org/10.56371/jirpl.v5i1.177>.
- Rahmah, Mutia, Megawati Simanjuntak, Anggi Mayang Sari, and Irni Rahmayani Johan. "The Study of Program and Roles of National Consumer Protection Agency Using Qualitative and Quantitative Approaches." *Journal of Child, Family, and Consumer Studies* 2, no. 3 (2023): 209–22. <https://doi.org/10.29244/jcfcs.2.3.209-222>.
- Sakti, Muthia, and Dwi Aryanti Ramadhani. "Halal Certification of Micro and Small Enterprises' Food Products for Consumer Protection." *Amsir Law Journal* 5, no. 1 (2023): 23–36. <https://doi.org/10.36746/alj.v5i1.296>.
- Shahrullah, Rina Shahriyani, Jihyun Park, and Irwansyah Irwansyah. "Examining Personal Data Protection Law of Indonesia and South Korea: The Privacy Rights Fulfilment." *Hasanuddin Law Review* 10, no. 1 (2024): 1–20. <https://doi.org/10.20956/halrev.v10i1.5016>.
- Taklima, Musa, Adi Sulistiyono, and M. Syamsudin. *Consumer Protection As an Instrument for Fulfilling Human Rights in the Economic Sector and Its Constitutionalizing Efforts in the 1945 Constitution. Jurisdictie*. Vol. 14, 2023. <https://doi.org/10.18860/j.v14i1.20844>.
- Tarmizi, T. "The Principle of Consensualism and Freedom of Contract as a Reflection of Morality and Legal Certainty of Contract Laws in Indonesia." *Webology* 17, no. 2 (2020): 336–47. <https://doi.org/10.14704/WEB/V17I2/WEB17036>.
- Thirawat, Juthamas. "E-Commerce in Asean: An Emerging Economic Superpower and the Case for Harmonizing Consumer Protection Laws." *South Carolina Journal of International Law and Business* 18, no. 2 (2022): 39–87.

Tjipto, Felix Pratama, Jason Pratama Ong, Marshal Ramadhan Sulistio, Tri Harnowo. "Consumer Protection Law: The Case Study Of Grabtoko Company In Indonesian E-Commerce Transactions." *Journal of Private and Commercial Law* 5 no. 2 (2023): 120-140.

Widyorini, Sri Retno, and Sri Hartati. "Traditional Medicine and Consumer Legal Protection." In *ICLEH*, 576-87. Atlantis Press SARL, 2023. [https://doi.org/10.2991/978-2-38476-024-4\\_57](https://doi.org/10.2991/978-2-38476-024-4_57).

Yuanitasari, Deviana, Hazar Kusmayanti, and Agus Suwandono. "A Comparison Study of Strict Liability Principles Implementation for the Product Liability within Indonesian Consumer Protection Law between Indonesia and United States of America Law." *Cogent Social Sciences* 9, no. 2 (2023): 1-9. <https://doi.org/10.1080/23311886.2023.2246748>.

### **Book**

Abdul Atsar, Rani Apriani. *Buku Ajar Hukum Perlindungan Konsumen*. Sleman: Deepublish, 2019.

Eka N.A.M. Sihombing, Cynthia Hadita. *Penelitian Hukum*. 1st ed. Malang: Setara Press, 2022.

Panjaitan, Hulman. *Hukum Perlindungan Konsumen*. Jakarta: Jala Permata Aksara, 2021.

Peter De Cruz. *Comparative Law in a Changing World*. London: Taylor & Francis Group, 2015.

Suteki, Galang Taufani. *Metodologi Penelitian Hukum (Filsafat, Teori, Dan Praktik)*. 1st ed. Depok: Rajawali Pers, 2018.

### **Thesis, Online/World Wide Web and Others**

BPKN. "Ketua BPKN Optimistis RUU Perlindungan Konsumen Segera Disahkan," 2023. <https://bpkn.go.id/beritaterkini/detail/ketua-bpkn-optimistis-ruu-perlindungan-konsumen-segera-disahkan>.

Pajarillo-agustin, Chona. "Consumers Awareness Assessment Survey in the Province of Cagayan." In *Proceeding Medan International Conference Economics and Business*, 1:2476-96, 2023.

Wahyuni, Willa. "5 Poin Penting Dalam RUU Perlindungan Konsumen," 2023. <https://www.hukumonline.com/berita/a/5-poin-penting-dalam-ruu-perlindungan-konsumen-lt64942d50c2d40/>.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

**Copyright:** © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

SASI is an open access and peer-reviewed journal published by Faculty of Law Universitas Pattimura, Ambon, Indonesia.

