

## **The Imposition of Criminal Sanctions as an *Ultimum Remedium* in The Resolution of Consumer Protection Crime**

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**Abstract.** *Consumer protection in Indonesia currently faces significant challenges, particularly regarding weak law enforcement and uncertainty in the application of criminal sanctions. Based on Law No. 8 of 1999 on Consumer Protection, criminal sanctions are applied as Ultimum Remedium, which complicates the process of obtaining justice for consumers who are harmed. This paper proposes a paradigm shift in the application of criminal sanctions by making them the primum remedium in resolving consumer criminal cases. This approach is expected to provide legal certainty, justice, and a deterrent effect on business actors who violate consumer rights. Additionally, the study suggests reconstructing several articles in the Consumer Protection Law, such as Articles 8, 9, 13 paragraph (2), 15, 17, 18, and Articles 62 and 63, to align with the evolving conditions of society, economy, and global trade. These changes aim to enhance the effectiveness of consumer protection and ensure better legal certainty for Indonesian society in the face of global legal developments related to consumer protection.*

**Keywords:** *Consumer; Criminal; Protection; Sanctions.*

### **1. Introduction**

Consumer protection is an integral part of a healthy business activity. In this context, a balance between legal protection for consumers and producers is essential to maintain a sound business environment. The absence of such balanced protection places consumers in a vulnerable position. This becomes even more critical when the products offered by producers are limited in type, allowing them to exploit their monopolistic position. Such circumstances will undoubtedly harm consumers. In principle, the relationship between consumers and business actors is not subordinate but equal, based on mutual need, in line with the principles of equality in relationships or at the very least, consumers should not be disadvantaged.

Consumer protection essentially covers all aspects of the goods and services market. The existence of these products is closely related to consumer protection, as the marketing of such products requires businesses to consider various aspects to ensure that the products can be safely consumed by consumers. Companies must be able to offer high-quality and sustainable products or services, as the quality of goods or services received by consumers today may not necessarily be the same tomorrow. Likewise, the current service environment does not always align with the level of service that consumers expect.

Since advertising serves as a source of product information aimed at consumers who are looking for products that match their preferences, any advertisement for goods or services must contain information that accurately reflects the actual condition of the product. Consumers have the right to receive truthful and honest product information. In Indonesia, Law No. 8 of 1999 prohibits business actors from providing misleading information in advertisements or promotions, as stated in Article 8. Any goods traded must meet the standards set by the government and be delivered in good and complete condition, without any hidden defects (<https://prolegal.id/>, 2025).

As we know, many business actors often engage in dishonest practices when selling their products, such as concealing defects or shortcomings of their goods. For example, food or beverage advertisements often display large and appetizing portions, but in reality, the actual servings are far smaller than what is shown in the advertisement. Additionally, beauty products must provide honest information, as they directly affect a person's health. For instance, a beauty product may claim to include lab test results for its ingredients, but the actual contents may not match the information provided in the advertisement or on the product label.

The occurrence of consumer rights violations in Indonesia is largely due to the lack of government oversight over business actors, which leads to dishonest practices and violations of the law. One such case was the MinyakKita incident in 2022. Initially, MinyakKita was introduced as a government solution to ensure the availability of affordable cooking oil for the public. This program aimed to stabilize prices and ensure the continuous supply of cooking oil in the market, especially for the lower-middle-income population. To achieve this goal, the distribution of MinyakKita was restricted through specific channels, such as traditional markets and designated retail outlets, to ensure the product reached the right target and was not subject to price speculation. However, in reality, several violations by business actors were discovered, including selling the product above the government-regulated price (HET), indirect distribution that bypassed consumers, and reduced volume in the product packaging (Adde Riyatna Harahap, 2011).

In addition, there was a consumer rights violation case that falls under consumer crime, namely the case involving consumers of Grab Toko. After purchasing goods on Grab Toko, consumers experienced significant delays in delivery, with some orders being late by several days. One customer reported purchasing two smartphones from Grab Toko: a Samsung Galaxy A51 for IDR 2.34 million on December 29, 2020, and an Apple iPhone 12 Pro Graphite for IDR 12.01 million on January 3, 2021. This case was later handled by the Indonesian National Police's Criminal Investigation Agency (Bareskrim Polri), which charged the perpetrator under articles related to the dissemination of false information that caused losses to consumers.

In addition to the aforementioned cases that drew public attention, there are many other instances of consumer rights violations by business actors, particularly in transactions conducted through online shops. Many people have fallen victim to products sold by these online stores. The issue becomes more complicated when investigations reveal that these stores are not legitimate, meaning that consumers become victims of fraud and consequently suffer losses to their rights.

In addition to providing accurate information about the nature of a product, business actors must also create advertisements that are respectful and do not offend others or

contain elements of ethnicity, religion, race, or inter-group issues (SARA) that could cause conflict among individuals, organizations, or groups. Business actors are expected to produce ethical advertisements that can be enjoyed by all segments of society.

When discussing consumer protection which is frequently debated across various sectors the topic seems endless. Consumer protection exists to safeguard consumers from irresponsible business actors who cause harm or loss. To this day, consumers often fall victim to discrepancies between the actual product and the way it is advertised by business actors. Furthermore, the dissemination of information through mass media must be carefully filtered before being released to the public in order to avoid unnecessary disputes within society. This effort requires cooperation from all parties consumers, producers, and the relevant authorities. Business actors must be held accountable for any misinformation in advertisements that result in losses for consumers.

Business actors who misuse their business practices must be punished in accordance with the applicable laws or regulations, in order to create a deterrent effect. Sometimes, however, the penalties imposed are not in line with what is stated in the regulations, and business actors receive light punishments. As a result, they are not afraid or deterred by such penalties, which creates the potential for them to repeat their offenses in the future.

The Consumer Protection Law essentially regulates criminal provisions as outlined in Articles 61 to 63. Law No. 8 of 1999 on Consumer Protection limits business behaviors that can be categorized as criminal acts, as specified in Articles 8, 9, 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letters a, b, c, e, paragraph (2), and Article 18, which carry criminal penalties of imprisonment for up to five (5) years or fines of up to IDR 2,000,000,000.00 (two billion rupiah). In addition, other criminal offenses committed by business actors are regulated in Articles 11, 12, Article 13 paragraph (1), Articles 14, 16, and Article 17 paragraph (1) letters d and f, which are punishable by imprisonment for up to two (2) years or fines of up to IDR 500,000,000.00 (five hundred million rupiah) (Alisya Fahira, 2024).

The existence of criminal provisions in the Consumer Protection Law in a general form (*ius commune*) means that criminal law is used as a basis to punish any individual (business actor) who commits violations or crimes related to consumers. The use of criminal law to protect the public as consumers is not solely the primary effort in resolving consumer protection cases, but rather serves as an *Ultimum Remedium* (last resort) in their resolution. However, the application of criminal law in consumer cases presents a paradox in its enforcement. In some cases, the public as victims of business actors does not receive the justice they deserve. Business actors tend to view the provisions in the Consumer Protection Law as emphasizing civil measures for resolving cases, which means that the law is not fully effective in its enforcement. If we look at the history of the birth of the Consumer Protection Law, it essentially regulates the rights and obligations of producers, as well as the methods for upholding those rights and obligations. Therefore, the government and law enforcement authorities must oversee the business practices of entrepreneurs to prevent harm to the public as consumers of products (Janus Sidabolok, 2010).

Although criminal provisions are included in the Consumer Protection Law, in reality, consumer crimes still occur in society, necessitating reflection and a study on the position of criminal law norms as outlined in Articles 61 to 63. The low penalties or punishments stipulated in the law are one of the factors contributing to the violation of consumer rights in Indonesia. The placement of criminal sanctions as an *Ultimum Remedium* emphasizes that the imposition of a penalty should be the last resort in resolving consumer rights violations. This leads to non-compliance behaviors by business actors who consider that consumer rights violations can be resolved only through compensation, while criminal liability becomes a last resort. Additionally, weak government oversight and law enforcement further exacerbate the situation, creating an environment conducive to dishonest business practices.

Based on the above, this study focuses on the application of criminal sanctions for business actors who harm consumers.

## **2. Research Methods**

The type of research is normative juridical research. The data used are secondary data obtained from literature studies (literature review). The data is then analyzed using qualitative analysis. The issues are analyzed using the legal system theory to find answers to the problems being studied.

### **Legal System Theory**

Law is one of the essential elements in the life of a state, as stated by Sri Soemantri Martosoewigno, who explained that a state categorized as a rule-of-law state must have the following elements (R Sri Soemantri Martosoewignyo, 1992):

1. The government in carrying out its duties and responsibilities must be based on law or legislation.
2. There must be guarantees for human rights (citizens' rights).
3. There must be a division of powers within the state; and
4. There must be oversight from judicial bodies (*rechtterlijk controle*).

For law to work or not in a rule-of-law state, it requires the means of enforcement, namely legal instruments, law enforcement apparatus (law implementers), supporting facilities such as the status and role of legal enforcement institutions, and society. The legal life in a rule-of-law state is influenced by factors such as structure, substance, and legal culture, as explained by Lawrence M. Friedman.

The Legal System Theory by Lawrence M. Friedman essentially states that a legal system consists of three (3) components, namely (Lawrence M Friedman, 1975):

#### **1) Legal Substance**

"The substance is composed of substantive rules and rules about how institutions should behave." In this case, legal substance refers to legal rules or norms.

#### **2) Legal Structure**

"Structure, to be sure, is one basic and obvious element of the legal system. The structure of a system is its skeletal framework, it is the elements shape, the institutional body of the system." In this context, legal structure refers to the law enforcement institutions as tangible components of a legal system, including the institutions responsible for enforcing legal rules.

### 3) Legal Culture

"Legal culture refers, then, to those parts of general culture, customs, opinion, ways of doing and thinking, that bend social forces toward or away from the law and in particular ways." In this case, legal culture refers to the behavior of society in how they view the law to be obeyed and complied with.

With these three components in a legal system, they can be used to analyze the effectiveness of the implementation of sanctions in legal rules. The word effective, according to the Kamus Besar Bahasa Indonesia (Indonesian Dictionary), means having an effect (outcome, impact, result, beneficial, capable of yielding results or being effective, and coming into effect) (Ninie Suparni, 1996).

Thus, the success of law in realizing its ideals (*rechtsidee*) is highly determined by these three factors, where the operational effectiveness of legal structure or institutions, legal substance, and legal culture is also influenced by and determined by their characteristics.

## 3. Results And Discussion

### 3.1. The Position of Criminal Sanctions as an Effort to Resolve Consumer Protection Crimes in Indonesia

The occurrence of crimes or violations committed by companies or business actors through deceptive actions (deceiving the public) results in harm to consumers. For example, a consumer purchases goods through digital platforms, such as online stores or traditional stores, and the goods delivered are not as ordered by the consumer. Referring to the provisions of the Criminal Code (KUHP), such actions by business actors can be prosecuted under Article 378 of the Penal Code, where the *modus operandi* of this crime can be conventionally classified as fraud or deception. However, the type of fraud committed by business actors against consumers is specifically regulated by Law No. 8 of 1999 concerning Consumer Protection, which is why it is considered a consumer crime (Yahya Abdul Habib & Jacobus Jopie Gilalo, 2024).

The Consumer Protection Law, as an umbrella act, essentially aims to protect consumers in Indonesia. The position of consumers as users of goods and services must have their rights protected in order to achieve justice for consumers.

Law No. 8 of 1999 regulates criminal provisions to prevent consumer crimes by business actors, prioritizing criminal sanctions in the form of imprisonment and fines (Surya Nita, 2017).

Referring to the provisions of Article 62:

- (1) (1) Business actors who violate the provisions referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letters a, b, c, e, paragraph (2), and Article 18 shall be punished with

imprisonment for a maximum of 5 (five) years or a fine of up to IDR2,000,000,000.00 (two billion rupiah).

(2) Business actors who violate the provisions referred to in Article 11, Article 12, Article 13 paragraph (1), Article 14, Article 16, and Article 17 paragraph (1) letters d and f shall be punished with imprisonment for a maximum of 2 (two) years or a fine of up to IDR500,000,000.00 (five hundred million rupiah).

(3) In cases of violations that result in serious injury, severe illness, permanent disability, or death, the applicable criminal provisions shall be enforced.

The application of criminal sanctions in the form of "imprisonment or fines" in the provisions creates legal uncertainty because a judge may impose a fine instead of imprisonment on business actors who commit consumer crimes. Moreover, the inclusion of the phrase "up to" in Article 62 paragraphs (1) and (2) has the potential for the fine imposed by the judge to not align with the victim's losses.

The clause in Article 62 paragraph (3) also reflects legal uncertainty because it does not specify the applicable criminal provisions clearly. The weakness in the clause of Article 62 creates a legal loophole in the enforcement of law against business actors committing consumer crimes during the criminal law enforcement process.

In criminal law enforcement theory, there should be a criminal provision that brings legal certainty in the enforcement process. Criminal sanctions, when used as an *ultimum remedium*, should serve as the last resort to restore rights fairly for the victims. Replacing the phrase "or" in the penalty provisions of imprisonment or fines with "and" could provide more legal certainty, thereby closing the loophole for legal circumvention in the enforcement process.

The absence of a "rehabilitation" obligation for victims imposed on business actors allows them to avoid legal responsibility for the damages suffered by consumers.

The weaknesses in the clauses of Article 62 of the Consumer Protection Law render the law ineffective and suboptimal in its implementation at the investigation, prosecution, and trial stages. Investigators often fail to apply the maximum provisions to business actors who violate Article 8, Article 9, Article 10, Article 11, Article 12, Article 13 paragraphs (1) and (2), Article 14, Article 15, Article 16, Article 17 paragraph (1) letters a, b, c, d, e, paragraph (2), Article 14, Article 16, and Article 17 paragraph (1) letters d and f, as allowed by the law. This, of course, harms the victims and leads to the application of criminal law that does not provide justice, legal certainty, and benefit for consumers.

The criminal process against business actors who commit consumer crimes does not simply eliminate their civil liability, but both can proceed in parallel (simultaneously). The obligation for recovery and rehabilitation of consumers as victims can only be pursued through civil channels, whereas the Consumer Protection Law does not have any provisions that allow judges to impose criminal sanctions by ordering business actors to take responsibility for rehabilitating victims through their rulings.

Criminal law enforcement is essentially an effort to turn the ideals of justice, legal certainty, and social benefit into reality. Therefore, criminal law enforcement in cases of consumer rights violations is fundamentally a process of realizing the ideas of providing justice for consumers regarding the criminal actions of business actors that harm them (Dellyana, Shant, 2010).

The placement of criminal sanctions as *Ultimum Remedium* in the Consumer Protection Law has proven not to provide a deterrent effect for business actors and instead causes more harm to consumers in Indonesia. Historically, the use of criminal law as *Ultimum Remedium* has existed long before Indonesia's independence. The criminal law paradigm as a last resort (*Ultimum Remedium*) can be deviated from.

Historically, the Indonesian criminal law paradigm as *Ultimum Remedium* is inseparable from the historical fact when Mr. Modderman, the Minister of Justice of the Netherlands at that time, discussed the Wetboek van Strafrecht (WvS) in the Lower House (Tweede Kamer). There are two points that need to be emphasized regarding this historical fact: First, the term *Ultimum Remedium* was first used by a bureaucrat and was not free from debate among criminal law academics. Second, the term *Ultimum Remedium* is not properly referred to as a principle or theory, nor is it a norm in criminal law. Therefore, the term *Ultimum Remedium* does not have binding legal force.

Therefore, the *Ultimum Remedium* principle is a paradigm of law enforcement, and the term *primum remedium* (the primary and main effort) as an alternative opposite to *Ultimum Remedium* can also be considered a paradigm in criminal law enforcement. Both do not differ in their positions as paradigms; they only differ because they are contradictory to each other (*contradictio in terminis*), meaning that if one is chosen, the other cannot be followed. Therefore, there needs to be a fundamental reason if the *primum remedium* paradigm is to be applied (Petrus Richard Sianturi, 2020).

In the context of the application of criminal sanctions for consumer crimes as regulated in the Consumer Protection Law, the placement of criminal law as *Ultimum Remedium* can be shifted so that criminal sanctions can be applied as *primum remedium* in law enforcement for consumer crime cases in Indonesia.

*Primum remedium* as a principle means that criminal law is applied as the primary choice, as the main tool in law enforcement. The position of *primum remedium* in the context of punishment is no longer a last resort but rather the first remedy to deter individuals from committing criminal violations. Therefore, placing criminal sanctions as *primum remedium* in resolving consumer crime cases can lead to legal certainty, justice, and benefit for the victims. Additionally, placing criminal sanctions as the primary approach to addressing consumer crime cases can provide a deterrent effect for business actors, ensuring they do not violate the Consumer Protection Law.

### **3.2. The Future Legal Construction of Consumer Protection**

In Indonesia, protection for consumers has started to be regulated since 1999 through the Indonesian Law No. 8 of 1999 on Consumer Protection. In the preamble, it is stated that the basis for the establishment of the Consumer Protection Law is as follows (Law No. 8 of 1999 on Consumer Protection):

1. That national development aims to create a just and prosperous society, both materially and spiritually, in the era of economic democracy based on Pancasila and the 1945 Constitution;
2. That national economic development in the era of globalization must support the growth of businesses so that they can produce various goods and/or services with technological content that can improve the welfare of the broader community, while also ensuring certainty over the goods and/or services obtained from trade without causing harm to consumers;
3. That the increasing openness of the national market as a result of the economic globalization process must continue to guarantee the improvement of community welfare, as well as certainty about the quality, quantity, and safety of the goods and/or services obtained in the market;
4. That to enhance the dignity and rights of consumers, it is necessary to increase consumer awareness, knowledge, concern, ability, and independence to protect themselves, as well as to foster a responsible attitude among business actors;
5. That the legal provisions protecting consumer interests in Indonesia are still inadequate;
6. That based on the above considerations, it is necessary to establish regulatory frameworks to achieve a balance between the protection of consumer and business interests, in order to create a healthy economy;
7. Therefore, it is necessary to establish a Consumer Protection Law.

The existence of Law No. 8 of 1999 on Consumer Protection marks the initial milestone of success in protecting the public as consumers from the consequences of globalization and the advancement of global technology, especially in Indonesia. As a law aimed at protecting society from the harm caused by company products in this era of globalization, it has not yet been fully effective and optimal. This is evident from the numerous violations of the rights of the public as consumers of various products.

One of the products that often become an issue for society are food products, beverages, cosmetics, and communication technology products. In the era of Industry 4.0, trade is conducted both digitally and conventionally. However, the digital world, especially the internet, has become the dominant choice for marketing industrial products, including food, beverages, electronics, mobile phones, and beauty products. Some online media frequently used by sellers include:

- a. <https://shopee.co.idn>
- b. <https://www.tokopedia.com->
- c. <https://www.instagram.com>
- d. <https://www.bukalapak.com>
- e. <https://id-id.facebook.com>
- f. <https://www.lazada.co.id>



Through these websites, companies as business actors market their products to consumers either directly or through distributors.

Given that Law No. 8 of 1999 on Consumer Protection was enacted before the digital era became prevalent, to support the existence of the Consumer Protection Law in Indonesia, the Indonesian Government has enacted Law No. 11 of 2008, which was amended by Law No. 1 of 2024 on Information and Electronic Transactions (ITE). The existence of the ITE Law regulates electronic transactions, ensuring that all transactions between business actors and consumers through electronic means are legally protected. However, if a criminal violation occurs by a business actor that fulfills the elements of a consumer protection criminal offense, law enforcement remains based on Law No. 8 of 1999 on Consumer Protection.

The imposition of criminal sanctions decided by the court based on the prosecutor's charges against business actors committing criminal violations as stipulated in Articles 62 and 63 of the Consumer Protection Law. Article 62 of the Consumer Protection Law regulates that business actors and/or their managers who violate the provisions of Articles 8, 9, 13 paragraph (2), 15, 17 paragraph (1) letter a, letter b, letter c, and letter f, Article 17 paragraph (2), and Article 18, shall be subject to criminal sanctions with a penalty of imprisonment for a maximum of 5 (five) years or a fine of up to IDR 2,000,000,000 (two billion rupiahs).

In addition, the imposition of criminal sanctions is also provided in the provisions as stipulated in:

- 1) Article 11, regarding the sale through clearance or auction;
- 2) Article 12, regarding offers with special rates;
- 3) Article 13 paragraph (1), regarding the provision of gifts free of charge;
- 4) Article 14, regarding offers through prize draws;
- 5) Article 16, regarding offers through orders;
- 6) Article 17 paragraph (1) letters d and f, regarding the production of advertisements that violate ethics, decency, and applicable legal provisions.

They may be sentenced to a maximum prison term of 2 (two) years or a fine of up to IDR 500,000,000 (five hundred million rupiahs). If a violation results in serious injury, severe illness, permanent disability, or death, the general criminal provisions will apply. The clause "general criminal provisions" creates legal uncertainty in the enforcement of consumer protection criminal cases. Therefore, it is necessary to clarify the specific criminal provisions referred to in order to create legal certainty.

Meanwhile, under the provisions of Article 63 of the Consumer Protection Law, additional criminal sanctions may be imposed in addition to the main criminal sanctions that can be imposed under the provisions of Article 62 of the Consumer Protection Law.

The additional criminal sanctions that may be imposed include the confiscation of certain goods, the public announcement of the court decision, payment of compensation, an order to cease certain activities that cause harm to consumers, the obligation to withdraw goods from circulation, and the revocation of business licenses.

Regarding the burden of proof of the business actor's fault, as in civil burden of proof, Article 22 of the Consumer Protection Law places the full burden of proof on the business actor for any violations committed. However, the Consumer Protection Law does not rule out the possibility of proof by the public prosecutor.

This provision clarifies that the Consumer Dispute Settlement Agency (BPSK) does not have the authority to impose sanctions for violations committed by business actors. This aligns with the provisions of Article 47 of the Consumer Protection Law, which states that consumer disputes outside the court are held to reach an agreement on specific actions to ensure that the harm suffered by consumers will not recur. However, in order to enforce legal certainty, the Consumer Protection Law, in its proportion, has granted the BPSK the right and authority to impose administrative sanctions on business actors who fail to provide compensation to consumers for their harmful actions (Butje Tampi, 2011).

The weakness of consumer protection in Indonesia today can be addressed by changing the consumer protection legal system. Referring to the system theory developed by Friedman, the legal protection system for consumers can be improved by making improvements in:

#### **a) Legal Structure**

In the legal structure of consumer protection in Indonesia, referring to the current consumer protection law, there are several law enforcement agencies, namely the Consumer Dispute Resolution Agency (BPSK), the Police, the Prosecutor's Office, the Courts, and the Penitentiary Institutions. These institutions have an inseparable connection, where the mechanism for resolving disputes or legal violations by business actors against consumers is handled through civil channels (via BPSK and can be escalated to the Court), while for criminal consumer cases, the Police Investigator, Prosecutor, and Judge in the Court handle them.

The existence of the Consumer Dispute Resolution Agency (BPSK) was expected to resolve conflicts between business actors and consumers through conciliation. However, it has not received adequate attention from local governments. This is evidenced by the fact that many regions do not have a BPSK institution. Therefore, handling consumer violation cases has not been fully resolved. Additionally, the BPSK is often not staffed by individuals with a legal background, which means that resolving consumer violations often lacks an understanding of the legal conflicts involved.

#### **b) Legal Substance**

The provisions in Law No. 8 of 1999 concerning Consumer Protection provide legal protection for consumers against fraudulent behavior by business actors in carrying out their business activities. Although the Consumer Protection Law requires business actors to be honest and accountable for their business activities, the provision of civil liability by business actors makes it difficult for consumers to obtain justice and legal certainty when violations occur, particularly regarding fraud and misconduct by

business actors. Additionally, the criminal provisions that lack legal certainty, with the use of the word "or" in the application of penalties, make it difficult for consumers to obtain justice, even when the case is resolved in court. Therefore, it is necessary to amend the criminal provisions in the Consumer Protection Law by removing the word "or" and replacing it with "and," to prioritize legal certainty in law enforcement. This contrasts with the opinion of Tjokorda Gde Indraputra and Ni Nyoman Juwita Arsawati, who advocate for the concept of restorative justice in consumer dispute resolution. In this regard, the author prioritizes the principle that the application of criminal law should be a *primum remedium* (primary remedy) rather than an *Ultimum Remedium* (last resort) in enforcing consumer protection law violations, with the aim of ensuring legal certainty in the resolution process (Tjokorda Gede Indraputra & Ni Nyoman Juwita Arsawati, 2019).

### **c) Legal Culture**

The weak enforcement of consumer protection law in Indonesia today is inseparable from the culture (behavior) of each stakeholder (business actors, consumers, government, and law enforcement agencies). Fraudulent and irresponsible business actors who harm consumers are a clear example of an irresponsible legal culture, while consumers who exhibit excessive consumption behaviors represent a negative cultural aspect among Indonesian consumers. The presence of corrupt law enforcement officers handling consumer cases reflects the poor legal culture among law enforcement officers in Indonesia. Insufficient supervision and the corrupt behavior of government officials in overseeing business actors further worsen the enforcement of consumer protection law in Indonesia.

To address this in the future, it is essential to revitalize the morality of government officials and law enforcement officers through personality training before they become law enforcement officers or government officials. A selective recruitment process for government officials and law enforcement officers, along with continuous professional training, performance evaluations, and enforcement of ethical standards, should be prioritized. Legal actions must be taken against government officials and law enforcement officers who are involved in legal violations.

The revision and synchronization of the Consumer Protection Law with other regulations can be achieved by forming a law using the omnibus law method, which would streamline the regulation of consumer protection issues and its law enforcement. Additionally, strengthening the BPSK (Consumer Dispute Settlement Agency) institution should be a priority to improve consumer protection law enforcement in Indonesia.

Legal reconstruction can also be applied to Article 22 of the Consumer Protection Law. Currently, Article 22 of the Consumer Protection Law employs a reversed burden of proof system, but this system is limited to criminal cases.

The clause in Article 22 of the Consumer Protection Law should be synchronized with the Indonesian Criminal Code (KUHP) and the Draft Indonesian Criminal Procedure Code (RKUHAP) to prevent legal conflicts in its implementation.

Furthermore, the weak enforcement of the provisions in Article 19 paragraph (4), Article 20, and Article 21 of the Consumer Protection Law, which emphasize that compensation by business actors for damages, pollution, and/or consumer losses due

to consuming goods and/or services does not preclude the possibility of criminal charges based on the reversed burden of proof, is problematic. Although the clauses in these articles are ideal, their enforcement is difficult. Therefore, in the future, the structure of Article 19 paragraph (4), Article 20, and Article 21 of the Consumer Protection Law should be revised to adapt to the current social, economic, and global trade conditions, while ensuring the protection of consumer rights that have evolved globally.

#### 4. Conclusion

The shift in the paradigm of applying criminal sanctions as an *Ultimum Remedium*, as outlined in the Consumer Protection Law, can be changed by positioning criminal penalties as a *primum remedium* in resolving consumer criminal cases. This approach can bring certainty, justice, and legal benefit to victims. Furthermore, placing criminal sanctions as the primary measure in addressing consumer criminal cases can have a deterrent effect on business actors, encouraging them to comply with the Consumer Protection Law. Consumer protection in Indonesia can be improved by amending Law No. 8 of 1999, particularly by reconstructing Articles 8, 9, 13 paragraph (2), 15, 17 paragraph (1) letters a, b, c, and f, Article 17 paragraph (2), Article 18, Article 19 paragraph (4), Article 20, Article 21, Article 62, and Article 63 of the Consumer Protection Law. This amendment should include synchronization with other related regulations, adjusting to the conditions of society, the economy, trade, and consumer protection in Indonesia and globally.

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