

# Analysis of The Accountability of Business Actors to Consumers Who are Disadvantaged for Damage to an Item in The Context of Consumer Protection

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## ABSTRACT

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This study aims to analyze the implementation of accountability from business actors to consumers who are harmed by damage to an item based on the Consumer Protection Act conducted using the literature study. The problem in this study is related to violations of rights rather than consumers for damage to an item purchased related to accountability rather than a business actor that causes these losses. The purpose of the implementation of this research is to analyze the conditions of accountability of business actors to consumers dynamics of their conditions in the territory of Indonesia. Literature study method as a method used to investigate scientific works, reports on the accountability of business actors and official documents that have a connection with the research conducted. The results showed that the accountability of business actors included compensation in the form of refund or returns to the same or equal value, but accountability still had an impact on the decline in consumer confidence in business actors. Conclusion this study states that the permeasun of legal protection efforts given to consumers for losses caused by business actors. The renewal of this research lies in the comprehensive approach used on the issues that occur and conduct in -depth research and not only look on the one hand.

*Keywords: Responsibility, Business Actors, Consumers, Damage to Goods*

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## 1. INTRODUCTION

The act of buying and selling is an act that brings together a seller and a buyer. In this scenario, the two parties have reached an agreement to bind themselves, which results in the formation of rights and obligations between the buyer, who is referred to as the consumer, and the seller, who is referred to as the producer. As a result of the act of purchasing and selling, which brings together business actors and customers, a relationship is formed between the two parties, in which both parties have rights and duties that are governed by rules and regulations [1]. Consumers as parties who use goods traded by business actors and business actors as parties who provide goods purchased by consumers. It is by the fulfilment of their responsibilities as business actors that business actors are able to acquire their rights, and it is through the fulfilment of their obligations as consumers that consumers are able to acquire their rights, as agreed upon by both parties [2].

The act of buying and selling carried out by business actors and consumers sometimes gives rise to problems of default carried out by the business actor. Default as an act of not fulfilling previously agreed obligations, resulting in losses for one of the parties. The content of this problem is related to the default carried out by business actors where business actors do not fulfil their obligations to send goods ordered by consumers according to what was ordered and do not have defects or damage [3]. Default actions carried out by business actors cause losses to consumers where consumers receive goods in defective conditions or not in accordance with what was ordered [4].

Losses experienced by consumers require accountability from business actors for losses to consumers who receive ordered goods in damaged conditions or not in accordance with their

wishes. Accountability from business actors is one form of protection for consumers that has been regulated in Law Number 8 of 1999 concerning Consumer Protection. In the context of consumer protection, in this case, an analysis will be carried out regarding consumer protection carried out with the accountability of business actors. An attempt is being made to carry out the analysis in order to carry out an in-depth examination of how suitable the practice is in terms of the accountability of corporate actors to consumers who have been affected in Indonesia, where it is seen based on the framework of consumer protection. One definition of consumer protection is "an effort made to provide a guarantee of legal certainty in order to provide protection for consumers themselves" [5], [6].

In addition to analyzing the accountability of business actors to losses experienced by consumers, in this case a deep evaluation is also carried out aimed at finding out about the factors that are the cause of businesses to carry out default actions. Default as a form of action to violate the agreement that has been made where this is a form of negligence from the business actor to meet various conditions in the agreement that had been agreed upon.

The future impact of the default actions carried out by business actors needs to be carried out in depth analyzing and understanding. The future impact affects the opinion of the community that takes place in a sustainable manner. Opinion from society as a social and cultural factor that has a very large influence on the view of the community on the business carried out by business actors. The public's view of business actors who default or does not meet the contents of an agreement has a very large influence on the law or legal policy of money has a harmony on the norms that exist in society and in accordance with the expectations of good society going forward. The impact of default actions can be a form of a picture and providing a deterrent effect to the community that and can provide a deeper understanding space for the actual accountability of business actors to the losses experienced by consumers.

It is important to conduct research that examines the examination of the accountability of business actors to consumers who are injured by damage to an item in the context of consumer protection. This need is based on the description of the background that was presented earlier. It is anticipated that the presence of this research will give an in-depth and valuable insight pertaining to the complexity of the responsibility of business actors to losses suffered by customers refer to damage to an item that relates to the laws that are in effect in the Indonesian legal system.

## 2. LITERATURE REVIEW

Accountability as a form of obligation to account for failure in the implementation of an action that has a goal to achieve a predetermined goal. The accountability of business actors to consumers is one form of responsibility for obligations that must be given by business actors to consumers caused by default actions carried out by business actors against consumers. The accountability of business actors is given as a form of responsibility for violations of rights from consumers who have been ignored by business actors [7].

Consumer Protection as a form of legal provisions that have an arrangement of the rights and obligations of consumers and business actors who have been downtown due to a form of rights and obligations that must be met by business actors and consumers aimed at providing a legal protection for the interests of consumers [8]–[10]. According to the normative provisions of Law

Number 8 of 1999 concerning Consumer Protection, the rights of customers are regulated in Article 4, which specifically says the following:

- 1) The entitlement to a comfortable, secure, and risk-free environment in which to consume good or service;
- 2) The right to choose products and/or services and to acquire those goods and/or services in line with the exchange rate and the terms and guarantees that have been offered;
- 3) The right to receive information that is accurate, unambiguous, and truthful concerning the terms and requirements of the products and/or services in question;
- 4) The right to have one's ideas and concerns regarding the products and/or services that are being utilized;
- 5) The right to access advocacy, protection, and attempts to settle consumer protection problems in an appropriate manner;
- 6) The protection of the right to receive consumer education and guidance;
- 7) The right to be treated or serviced in a manner that is both truthful and honest, and that does not practice discrimination;
- 8) The right to get reimbursement, compensation, and/or replacement in the event that the products and/or services received are not in line with the agreement or are not as they should be according to expectations;
- 9) Rights that are outlined in the provisions of other laws and regulations.

### 3. METHODS

This study uses a type of normative legal research which conducts research based on literature studies or legal materials as a research material. Literature study or literature study has a goal to explore scientific works, journals and reports and other official documents relating to the accountability of business actors to consumers who are harmed in the context of consumer protection. Literature studies are used with the aim of gathering extensive information from various sources so that they can do the details of research on the factors causing default conducted by business actors, the types of losses experienced by consumers, the accountability of business actors to the losses experienced by consumers, as well as the impact against the actions of business actors that cause losses to consumers themselves.

The several stages carried out in using this literature study are as follows:

- 1) Identification of literature sources  
The first stage is by identifying literature sources that have a connection with research, namely the accountability of business actors to losses experienced by consumers.
- 2) Accurate identification and relevance of information  
After identifying the related literature source, then an identification of the accuracy and relevance of information relating to research. This accuracy and relevance can include literature sources, publishing years, and the focus of the material discussed in the literature.
- 3) Performing in -depth identification  
The next stage is to carry out in -depth identification of the literature that has a connection with research to collect the desired research results.
- 4) Analyzing literature and community opinion and government

The next stage is to analyze and assess the opinions and views of the community and the government regarding the implementation of consumer protection and this matter is carried out in short to changes in community attitudes due to default actions carried out by business actors and other factors that have a very important influence on consumer protection itself.

#### 4. RESULTS AND DISCUSSION

Based on the research method using normative research or using a literature stui, the results of this study can provide a disclosure of business actors to consumers who are harmed by damage to an item in the context of consumer protection in Indonesia. The results of this study are as follows:

##### 1. Factors Causing Default Carried Out by Business Actors

Default as an act of breaking promises made by business actors to consumers where business actors do not meet their obligations to consumers. Through a study of existing literature, the cause of default carried out by business actors, causing losses for consumers is caused by the negligence of business actors and the intentional factors of business actors who do not have good intentions to fulfill agreed agreements.

##### 2. Types Of Losses Experienced by Consumers

Losses that are incurred by customers as a result of acts of neglect committed by business actors and the expedition services that result in losses for damage to an item, goods ordered that are not in accordance with the wishes, and orders and goods received that are not in accordance with the information being conveyed by the business actor.

3. Accountability of business actors to consumers who are disadvantaged for damage to goods, namely divided into three, namely contractual liability, namely civil responsibility on the basis of agreements or contracts from business actors both goods and loss services experienced by consumers, a product liability is the Civil Responsibility for the product Directly from business actors for losses experienced by consumers and criminal liability, namely criminal responsibility from business actors as a relationship between business actors and the state. The real accountability in the community is in the form of compensation for the product or goods ordered by consumers.

##### 4. Impact on the actions of business actors that cause losses to consumers

The actions of business actors that cause losses for consumers to give a donation to the loss of trust than consumers towards these business actors. The loss of this sense of trust as a form of immaterial impact from the existence of loss actions caused by business actors.

##### 5. Recommendations and future pathways

The results of this study are expected to provide a recommendation to add in the Indonesian legal system regarding the increase in the transparency of cos national protection measures and efforts to ensure the legal protection given to consumers by referring to the negligence of business actors but still carry out the consumer rights.

As a result of this study, a form of legal responsibility that is associated with consumer protection has been established. This form of responsibility includes three components: contractual liability, civil responsibility on the basis of agreements or contracts from business actors for both goods and loss services experienced by consumers, product liability, which is civil responsibility for products directly from business actors for losses experienced by consumers, and criminal liability, which is criminal liability from business actors as a relationship between business actors and the

state. The real accountability in the community is in the form of compensation for the product or goods ordered by consumers. The business actors who neglect the responsibility to carry out their authority can be subjected to administrative sanctions, basic criminal sanctions and additional criminal sanctions.

In Indonesian law, the impact of legal protection on consumers has a very significant impact that can reduce the level of loss experienced by consumers and increase awareness of business actors and consumers to be aware of their respective rights and obligations. Business actors have an obligation to be responsible for all goods and services sold or used by consumers, because in principle consumers always demand the right of comfort and safety in enjoying goods or services provided by business actors. Thus, every loss of goods and services must be borne absolutely by the entrepreneur by providing compensation if not a criminal responsibility will be demanded in accordance with Law Number 8 of 1999.

## CONCLUSION

It is possible to draw the conclusion that this study presents a complete examination of the duty of business actors to customers who are damaged by damage to an item during the framework of consumer protection. This conclusion can be reached based on the explanation that was provided earlier. According to the findings of the study and the subsequent debate, the obligation of business actors to customers who have been affected as a consequence of damage to an item is carried out by giving compensation in the form of money or commodities that are identical to or have the same worth as the items that were lost. Both the negligence of the business actor and the desire of the business actor to cause losses to customers are the reasons that contribute to this loss, which is a consequence of the act of default. Both of these causes are responsible for the damage that has been inflicted. The acts of business actors have the effect of lowering the purchasing power of consumers as well as the amount of trust that the general public has in the company. The findings that have been provided call for a comprehensive analysis as well as constructive modifications to the laws of Indonesia, with the intention of bringing them into conformity with the standards of legal responsibility and the protection of consumer rights.

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