

Legal Analysis of the Implementation of Employment Agreements for Laborers or Workers in the Industrial Sector

Rahmawati Nur

Muhammad Kamal Hijadz

Salle Salle

Faculty of Law, Universitas Muslim Indonesia, Indonesia

Faculty of Law, Universitas Muslim Indonesia, Indonesia

Faculty of Law, Universitas Muslim Indonesia, Indonesia

This study aims to analyze legal reform efforts in Indonesia to protect consumers in the digital era and to prepare consumers to face the era of rapid technological developments in digitalization. The method applied in this study is a normative method with a descriptive approach to identify regulatory gaps and challenges in their implementation. The results of the study show that although Indonesia has several regulations related to consumer protection in the digital world, regulatory reform is still very much needed, especially regarding personal data protection and more effective dispute resolution. In addition, consumer readiness in facing the digital era is also influenced by low digital literacy, which is an obstacle to increasing awareness of consumer rights. The government, digital platforms, and consumer protection institutions need to work together to improve public understanding of their rights and obligations as consumers in the digital era.

INTRODUCTION

Development technology information and communication has experience very rapid progress . This digital transformation No only change pattern interaction society , but matter This also has an impact on various dimensions life like social , economic , and political . Along with progress technology one of things that are not Can denied is the internet that has give change big in field business especially in the trade that used to be done with conventional , now transaction sell buy Can done without must meet in a way directly . [1] One of the impact significant from progress technology This is the emergence of e-commerce. E-commerce has develop rapid in various countries, including Indonesia. According to estimation Association Indonesian Internet Service Providers (APJII), level internet penetration in Indonesia is projected reach 78.9% in 2023 , which is the same with 25,626,56 people from amount population of 275,773,90 people. [2]

E-Commerce is a sales process buy goods and services performed through computer network , namely the internet. [3] Although e-commerce offers convenience , many worried consumers personal data security they moment do online transactions . Survey show that low guarantee data security and its weaknesses mechanism accountability in case violation become complaint main consumers . The rampant cases of online fraud happens , like fraud through social media and e-commerce sites, including phishing and sales schemes goods fake . For ensure protection right consumer in digital transactions , existing regulations need evaluated use know how effective is it in overcome the challenges that exist . Indonesia actually has own a number of rule related protection consumers , such as Law no. 8 of 1999 Concerning Protection Consumers , Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE), which was updated became Law no. 19 of 2016 and Law no. 27 of 2022 concerning Personal Data Protection . However , the law the Still own gap in accommodate risks that arise in context complex digital transactions , such as misuse of personal data and lack of arrangement in Handling dispute between digital platform provider . [4]

Every action in digital business must follow regulations applied . Delays Updates Constitution

protection consumer will to complicate enforcement law to detrimental violation consumers in the digital realm . [5] In the context of e-commerce where consumer often vulnerable to practices that are not Honest like fraud and exploitation of personal data . Devices law must protect consumer with provide a sense of security , and protect interest consumer so that his rights No disadvantaged and neglected . [6] Study This aiming For analyze How is it? effort update law in Indonesia can protect consumers in the digital age and How readiness consumer in facing the era of digitalization in the midst development sufficient technology rapidly .

METHOD

Study This is study law normative , namely research that has object study about rules or rule law with approach legislation . Approach This associated with the articles contained in regulation legislation . [7] Study normative is study with review problem law in a way normative . The approach used in study This is approach legislation (Statute Approach), Approach Conceptual (Conceptual Approach), and Approach Comparative (Comparative Approach) . Data collection techniques in study This done through research library including studies documents and studies related literature with The problems that will be studied . The techniques data analysis used is analysis perspective , analysis intended For give argumentation on results research that has been done For give evaluation about what is right or wrong or should according to law to fact or incident law from results study .

RESULTS AND DISCUSSION

Efforts to Reform Indonesian Law in Protecting Consumers in the Digital Age

Analysis Regulation Protection Consumer

Law no. 8 of 1999 concerning Protection Consumer (UUPK). Law This is runway law the main one who regulates rights and obligations consumer as well as perpetrator business in Indonesia. However , with rapid development technology and digitalization , there are a number of aspect in Constitution Protection Consumers who need reviewed repeat to keep relevant and effective in protect consumers in the digital era. UUPK was passed in 1999 , before the digital era developed rapidly . As a result , regulation This Not yet in a way specific arrange protection consumer in transaction electronic or e-commerce. This is cause emptiness law related protection consumer in digital transactions . [5] Although UUPK regulates right consumer on comfort , security and safety in to consume goods and/ or services , but Not yet in a way clear arrange about consumer data protection . In the digital age, personal data become asset valuable vulnerable misused , so that required more regulation specific For protect it . [8] UUPK is more focus on mechanisms settlement dispute conventional . With increasing online transactions , required mechanism settlement disputes that can accessed online for make it easier consumer in get justice . UUPK needs revised For accommodate various form digital transactions and technology new that continues developing . On the side issue law , UUPK has give good foundation , but Of course with walking time , there is Lots weaknesses that need to be addressed fixed . This is important For ensure that rights consumer still protected in various digital platforms. Required integration between UUPK and regulation personal data protection give guarantee consumer data security . With do update against UUPK, it is hoped that protection consumers in Indonesia can more effective and adaptive to dynamics of the digital era, so create ecosystem safe and reliable transactions for all parties involved .

Law no. 11 of 2008 jo. Law no. 19 of 2016 concerning Information and Electronic Transactions (ITE Law). The ITE Law is runway law important in arrange activity electronics in Indonesia. The ITE Law plays a role significant in protect consumers in the digital era, especially in transaction electronics . The ITE Law recognizes document electronics and information electronic as tool proof

legitimate law . This is give certainty law for consumer in digital transactions . In addition , the perpetrators business required For give correct , clear information and honest about conditions and warranties goods / services offered . This ensures consumer get accurate information before do transactions . Enforcement law related violation of the ITE Law, especially in matter protection consumers , who need improvement capacity apparatus enforcer law . Many consumers are not yet understand his rights in transaction electronics , so that prone to to violations . Increase digital literacy becomes important For overcome matter this . With understand the role and limitations of the ITE Law, it is hoped can push update more regulation comprehensive For protect consumers in the digital age. [9]

Law no. 27 of 2022 Concerning Personal Data Protection Act . this in Indonesia is regulation important to be approved through Law no. 27 of 2022. Law This aiming protect rights individual on personal data them , especially in the digital era with activity collection , processing , and storage of data. The PDP Law is very relevant For protect consumers in the digital era, especially in e-commerce transactions and usage digital platform . This law arrange how personal data must processed and protected by the collecting party or utilize the data . In online transactions , consumers often provide personal data they to perpetrator business . The PDP Law regulates how the data is must protected , provide right to consumer For know how is their data used , as well as allow they For request data deletion when required . [10]

Many consumers and actors business that has not been fully understand rights and obligations related protection of personal data , so that Still need There is effort more education intensive . Along with development transaction cross- border and international digital interactions , the protection of personal data regulated by the PDP Act may face challenge in coordination international , especially related with countries that have regulation different data protection .

Comparison with Other Countries

Indonesia ratifies Law no. 27 of 2022 Concerning Personal Data Protection (PDP Law), which works as base law personal data protection in the digital era. The PDP Law covers definition of personal data , rights individual on their data , as well as obligation data controller for guard personal data security from abuse or leakage . In case of enforcement law , the PDP Law regulates sanctions administrative and criminal for violation , even though its implementation Still face challenge technical and legal at the level national .

Approach regulation personal data protection in the European Union , Singapore, Malaysia and Indonesia reflects difference in scope , implementation , and complexity law . European Union through GDPR offers framework Work comprehensive which includes all types of personal data with focus strong on rights individuals , including right For forgotten , and obligations strict for organization , both within and outside the European Union . This global approach set standard tall in data protection , although its implementation cause challenge big for company small . In contrast , Singapore through PDPA more simple and flexible , with principles adequate basis For protect personal data , but face criticism Because exception government and lack of sensitive data classification . Malaysia through the PDP Act 2010 more focus on transactions commercial , so that its coverage limited , although Enough specific in distinguish personal data regular and sensitive data .

In Indonesia, the 2022 PDP Law introduces effort progressive in protect personal data with arrange right individual , obligation data controllers , and sanctions on violation , even though challenge technical and legal in its implementation Still become barriers . European Union give approach holistic , while Singapore and Malaysia are more practical and focused , with Indonesia taking step beginning going to more system integrated .

Consumer Cases In The Digital Age

In the dynamic era this , evolution technology and globalization bring up issues new that is needed overcome by law protection consumers . Some case latest related with protection consumers .

Theft Identity and Data Protection : Theft cases identity the more increase in online transactions . Example concrete like attack against the company database big disclose consumer data vulnerability . Aspects current law must can respond challenge This with strengthen regulation data protection and provide strict punishment for perpetrator theft identity .

Practice Misleading Business : Cases related practice misleading business become highlight in protection Consumers . Analysis deep to case kind of This required For identify gap law and update appropriate regulations .

Return of Goods and Services : Nonconformity between the product promised and received by the consumer often become source conflict . Analysis law latest must covers consideration about right consumer For return goods and services , as well as enforcement right This through mechanism settlement effective dispute resolution .

Protection Consumer in Digital Business : Digital businesses , such as e-commerce platforms and applications provider service , carry dynamics new in protection Consumers . Related cases abuse review products , transactions that are not clear , and cancellation service must analyzed For to form relevant and responsive law to dynamics digital business .

Security Electronic Payments : Uses payment electronic the more widespread , but also accompanied by risks more security big . Cases payment data leak or fraud electronic need analysis careful law For set not quite enough responsibility and limitations law for provider service payments and consumers . [11]

Urgency Updates Regulation

government , through the Ministry of Communication and Information , the Financial Services Authority (OJK), and the Financial Services Protection Agency (BPKP). National Consumers Association (BPKN), has role important in increase protection consumers in the digital era. Ministry of Communication and Information responsible answer in regulation and supervision transaction electronics , including personal data protection . OJK supervises service digital finance for ensure security and trust consumers . BPKN functions as a mediator between consumers and actors business as well as give education to public about rights they . Synergy between institutions This required For create a safe and trusted digital ecosystem for consumers .

With Updates proper regulation and cooperation between government as well as institution related , expected protection consumers in Indonesia can improved in accordance with development technology and practice best international . Updates regulation law become need urge in facing the ever-growing digital era developing . Regulation must more relevant and adaptive to technology , in particular in protect consumers in the digital age. One of priority main is strengthen personal data protection with apply policies that provide control more to individual on their data .

Models such as the General Data Protection Regulation (GDPR) in the European Union can become reference , because arrange right consumer on personal data they in a way comprehensive and set sanctions heavy for violations . In addition , the regulations governing protection consumer in e-commerce transactions need improved , especially in context transaction cross border, security digital payments , and prevention online fraud . Not only that , mechanism settlement dispute online- based (Online Dispute Resolution/ODR) can integrated For give solution fast and efficient law to dispute digital consumers . Steps to be expected can create system more laws adaptive and protective consumer in a way comprehensive in the middle progress technology .

Readiness Consumer Facing the Era of Digitalization In the Midst of

Development Sufficient Technology Rapid

Consumer Digital Literacy

The level of digital literacy of consumers in Indonesia is still classified as low, some of which big caused by differences in education, access to technology, as well as habit growing shopping. Based on data from the Central Statistics Agency (BPS), there are gap significant in level digital literacy between area urban and rural areas, where consumers in the areas rural generally more A little exposed digital technology. The educational factor also plays a role play a role in ignorance part consumer about How digital technology works, as well as How they can take advantage of it with safe in online transactions. As a result, the lack of understanding This increase vulnerability consumer to various digital risks, including online fraud and misuse of personal data. Therefore that, improvement digital literacy becomes crucial for consumers can face challenges in the digital world with more wise and safe. [12]

Obstacles and Challenges Consumer

Indonesian consumers face various obstacles and challenges in the growing digital era rapid. One of the constraint main is the rise online fraud, where misleading information and marketing often trap Consumers. Convenience pretend to be legitimate parties in cyberspace make tactics cheating and misleading. In addition, the lack of access to accurate information and education about rights and obligations in digital transactions make consumer prone to to tactics business that does not ethical. Consumer often not own adequate understanding about digital products and services, so that difficult for they For make the right decision.

Vulnerability to data breaches are also becoming serious issue. With increasing digitalization, risk to personal data security consumer the more high. Many consumers have not fully realize importance protect personal data them, so that become a target for perpetrator crime cyber. In overall, challenges This demand improvement digital literacy, awareness will security cyber, and more regulation strict For protect consumers in the digital age. [13]

The Role of Government and Institutions in Increase Readiness Consumer

Indonesian government has take steps strategic For increase digital literacy and awareness law consumers. Through the Ministry of Communication and Information (Kominfo), the government set four pillars of digital literacy: digital skills, digital ethics, digital culture, and digital security. The initiative This aiming For equip public with knowledge and skills required For participate in a way safe and productive in the digital world.

In addition, the government is also active in socialize regulation related protection consumers in the digital age. For example, through socialization role government in protection consumers in the digital era, government make an effort increase awareness public about rights and obligations they as digital consumers. Digital platforms, such as e-commerce and fintech services, have not quite enough answer big in protect consumers. They expected provide transparent information, ensuring user data security, and offers mechanism effective complaints. In addition, digital platforms also play a role in increase user digital literacy with provide education related security transactions and personal data protection. [14]

Protection agency consumers, good government both government and non- government, play a role in give education and advocacy to society. They organize socialization programs about rights consumers, providing mentoring law, and facilitate settlement dispute between consumers and actors business. With Thus, the institution This help increase awareness law consumers and ensure rights they protected. Collaboration between government, digital platforms, and institutions protection consumers are very important For create a safe and conducive digital ecosystem for consumers. Through synergy this, it is expected digital literacy and awareness law

Indonesian consumers can increased , so that they more Ready face challenges in the digital era. [15]

CONCLUSION

Update attempt law in Indonesia for protect consumers in the digital era become need urge along with rapid development technology . Existing regulations , such as Law no. 8 of 1999 concerning Protection Consumers , still nature conventional and not yet fully accommodate challenge new in digital transactions , such as e-commerce, personal data protection , and settlement online dispute . Therefore that , is needed Updates laws that cover regulation special about transaction electronics , reinforcement mechanism personal data protection , as well as system settlement effective and efficient dispute resolution in the digital realm . The level of digital literacy of consumers in Indonesia is still low , which contributes to vulnerability they to online fraud and misuse of personal data . Increased digital literacy and awareness law consumer it becomes very important for them to can transact with safe and wise in the digital world. Government , digital platforms, and institutions protection consumer need Work The same For increase understanding public about rights and obligations they as consumers in the digital age.

References

1. A. Fitra, S. Rahman, and A. Arief, "Efektivitas Perlindungan Hukum Terhadap Konsumen Dalam Transaksi E-Commerce Di Kota Sengkang," *J. Lex Gen.*, vol. 3, no. 3, pp. 543-546, 2022, [Online]. Available: <http://pasca-umi.ac.id/index.php/jlg/article/view/818%0Ahttp://pasca-umi.ac.id/index.php/jlg/article/download/818/871>
2. R. A. Bahtiar, "Potensi, Peran Pemerintah, dan Tantangan dalam Pengembangan E-Commerce di Indonesia [Potency, Government Role, and Challenges of E-Commerce Development in Indonesia]," *J. Ekon. dan Kebijak. Publik*, vol. 11, no. 1, pp. 13-25, 2020, doi: 10.22212/jekp.v11i1.1485.
3. A. R. A. Kirana, I. Abbas, and M. Rustan, "Analisis Perlindungan Hukum Terhadap Konsumen Terkait Penjualan Barang Bermerek Palsu Melalui Transaksi Online Ditinjau Berdasarkan Hukum Perdata," *Qawanin J. Ilmu Huk.*, vol. 2, no. 1 SE-Section 6, Aug. 2021, [Online]. Available: <http://103.133.36.88/index.php/qawaninjih/article/view/344>
4. A. Puspita and A. N. Handayani, "Dampak Teknologi Digital Terhadap Perilaku Sosial Masyarakat 5.0," *J. Inov. Teknol. dan Edukasi Tek.*, vol. 2, no. 10, pp. 446-451, 2022, doi: 10.17977/um068v2i102022p446-451.
5. Y. D. Novita and B. Santoso, "Urgensi Pembaharuan Regulasi Perlindungan Konsumen di Era Bisnis Digital," *J. Pembang. Huk. Indones.*, vol. 3, no. 1, pp. 46-58, 2021, doi: 10.14710/jphi.v3i1.46-58.
6. M. S. Ermita Faradilla¹, Hasbuddin Khalid¹, "PERLINDUNGAN HUKUM TERHADAP KONSUMEN PADA OBAT YANG TIDAK MEMILIKI IZIN EDAR."
7. A. M. Dunn, O. S. Hofmann, B. Waters, and E. Witchel, "Cloaking malware with the trusted platform module," *Proceedings of the 20th USENIX Security Symposium*. pp. 395-410, 2011.
8. et al. Irfan Ridha., "Aspek Hukum Perlindungan Konsumen Digital," *J. Kaji. Huk. dan Pendidik. Kewarganegaraan*, vol. 3, no. 2, 2024.
9. Yuyut Prayuti, "Dinamika Perlindungan Hukum Konsumen di Era Digital: Analisis Hukum Terhadap Praktik E-Commerce dan Perlindungan Data Konsumen di Indonesia," *J. Interpret. Huk.*, vol. 5, no. 1, pp. 903-913, 2024, doi: 10.22225/juinhum.5.1.8482.903-913.
10. E. Priliasari, "PERLINDUNGAN DATA PRIBADI KONSUMEN DALAM TRANSAKSI E-COMMERCE MENURUT PERATURAN PERUNDANG-UNDANGAN DI INDONESIA (Legal Protection of Consumer Personal Data in E-Commerce According To Laws dan Regulations in Indonesia)," *J. Rechts Vinding*, vol. 12, no. 2, pp. 261-279, 2023.
11. Syaiful, "Aspek Hukum Terkini dalam Perlindungan Konsumen: Kasus-Kasus dan Analisis," *Fak. Diakses pada tanggal 15 Januari 2025, 2024.*

12. I. Tiffani, "Pengaruh Literasi Keuangan Dan Literasi Digital Terhadap Preferensi Bank Digital," *Mbia*, vol. 22, no. 1, pp. 152-167, 2023, doi: 10.33557/mbia.v22i1.2039.
13. Firda Nurfauliyanti, Damanhuri, and Febrian Alwan Bahrudin, "Pengaruh Literasi Digital Terhadap Perkembangan Wawasan Kebangsaan Mahasiswa," *J. Pendidik. Kewarganegaraan Undiksha*, vol. 10, no. 3, pp. 54-66, 2022, doi: 10.23887/jpku.v10i3.51067.
14. S. Yuniarti, "Perlindungan Hukum Data Pribadi Di Indonesia," *Bus. Econ. Commun. Soc. Sci. J.*, vol. 1, no. 1, pp. 147-154, 2019, doi: 10.21512/becossjournal.v1i1.6030.
15. M. F. Ramadhan, A. Asis, and A. M. Muin, "Law Enforcement Of The Crime Of Illegal Fishing In The Waters Area Of Pangkajene Regency And The Islands," vol. 11, no. 3, pp. 1904-1909, 2022, doi: 10.35335/legal.