



## HARMONIZATION OF BENEFITS AND JUSTICE IN LEGAL PROTECTION FOR CONSUMERS

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**Abstract** Consumers are everyone who uses goods and/or services available in society, both for their own interests, as well as for their families and other people as well as other living things and not for trading. In practice, of course, business actors are responsible for the goods and services consumed by consumers, and if the goods and services are in accordance with what was agreed upon, it will provide benefits for consumers, but if it turns out that the goods or services purchased do not provide the results desired by consumers, such as experiencing damage, hidden defects, the consumer has the right to ask for compensation from business actors, and it is given in accordance with consumer rights based on the principle of justice so that legal protection for consumers can be fulfilled. The purpose of this study is to find out how the principles of benefit and justice are harmonized in providing legal protection for consumers, including in fulfilling the existence of fair compensation in resolving consumer disputes with business actors, so that harmony with the principles of benefit and justice can provide legal protection for consumers and responsibilities to business actors in accordance with their respective rights and obligations.

**Keywords:** Benefits, Fairness, Legal Protection, Consumer.

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### I. INTRODUCTION

Protection for consumers is anything and everything that guarantees legal certainty, namely the existence of a rule or legislation that provides protection in the event of a dispute or conflict related to consumers as a party that consumes or uses or uses the goods and or services available. as well as the consequences of the actions or actions of business actors causing consumer losses<sup>1</sup>. Legal certainty also means that the rights of consumers who have been harmed get clear and definite compensation and provide justice for the parties, namely consumers and also business actors, where protection that is in line with legal certainty is to provide protection to consumers for compensation for both losses, materially and immaterially and there are sanctions or punishments given and commensurate with the perpetrators.

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<sup>1</sup> Ahmadi Miru, 2013. *Prinsip-prinsip Perlindungan Hukum Bagi Konsumen Di Indonesia*, Jakarta : Raja Grafindo Persada, Pp. 27-31

So that in setting the relationship for the protection of consumers related to the law of consumer protection, namely regarding the overall principles and also the rules that can regulate and also protect<sup>2</sup> for consumers in the relationship and also the problem of supplying and also using products from consumers between providers and also their use in society and providers of products for consumers commonly referred to as sellers and also the use of products for consumers who are commonly referred to as buyers<sup>3</sup>

In line with this, of course, the regulation of the Consumer Protection Act (UUPK) Number 8 of 1999 regarding protection for consumers is very much aligned and in harmony with the principle of benefits in protecting consumers where in the provision of benefits which is the principle of consumers and also business actors or also the producer has the right and can obtain the benefits provided, it cannot be one of the two parties, so that neither party can feel the benefits or losses.

This means that in consuming goods and or services purchased by consumers, both from business actors or distributors and also producers, they provide uses that can be used in accordance with the quality, as well as the quantity and quantity of goods<sup>4</sup> and or services purchased by consumers. While the benefits obtained by business actors are receiving payments that have been determined by the buyer and also the seller of goods in the form of food/beverages consumed or services enjoyed by consumers. Justice is also a principle that exists for consumers as well as producers or business actors who can act fairly by obtaining rights and obligations in a balanced and equitable manner.

The acquisition of rights and obligations must also be based on the right to obtain goods and services in accordance with what was agreed<sup>5</sup>. as well as the obligation to pay in accordance with the price of the goods listed, while business actors are also entitled to receive payments from goods and services that have been traded and if a conflict dispute occurs, it can be resolved based on the principle of justice between the related parties how much compensation will be paid to consumers .

Alignment or harmonization between the principles of benefit and justice in consumer protection, namely the benefits enjoyed by consumers are not only related to the consumer's position as a user or beneficiary and who consumes goods and or services but also with justice related to the rights and obligations of each if something happens. conflicts and forms of resolution in providing protection to consumers.

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<sup>2</sup> Rhey A. Karinda, Anna S. Wahongan, and Karel Yosi Umboh. 2020. *Perlindungan Hukum Terhadap Konsumen Dalam Bisnis Pembiayaan Menuurut Undang-Undang Nomor 8 Tahun 1999, Lex Privatum* Vol. VIII/No. 4/Okt-Des/ Pp. 48

<sup>3</sup> Celina Tri Siwi Kristiyanti. 2011. *Hukum Perlindungan Konsumen*, Jakarta : Sinar Grafika, Pp. 26

<sup>4</sup> Ibid, Pp. 31

<sup>5</sup> Puteri Asyifa Octavia Apandy, Melawati, and Panji Adam. 2021. *Pentingnya Hukum Perlindungan Konsumen Dalam Jual Beli*, Jurnal Manajemen dan Bisnis, 3 (1), Pp. 14-15

This harmonization can also be realized in providing a form of conflict resolution that is chosen by the parties either inside or outside the court which is neutral and impartial and which is based on awareness of the responsibility of each party in providing rights related to compensation. adjusted to the existing principles of justice, the compensation referred to is in accordance with the provisions in Article 19, namely related to the responsibility of the business actor in providing the compensation given to consumers within a period of 7 (seven) days and the compensation referred to can also be in the form of a refund or replacement of goods and/or services of the same or equivalent value<sup>6</sup>, or medical treatment and/or the provision of compensation in accordance with the provisions of the applicable laws and regulations.

## II. DISCUSSION

### Formulation of the problem

Based on the background above, the formulation of the problem to be studied is how to harmonize the principles of benefit and the principle of justice in legal protection for consumers.

The method used in this research is normative research, according to Soerjono Soekanto and Sri Mamudji explaining normative legal research is legal research conducted by examining the existence of library materials (*secondary data*). Named normative legal research or literary legal research (*besides the existence of sociological or empirical legal research which mainly examines primary data*), research on the existence of legal principles, namely for example research on written<sup>7</sup> or positive law research on legal principles, legal norms, principles that live in society.

The definition of a consumer as discussed is every user of goods or services to be able to meet his own needs as well as his family or household and not to produce other goods/services or by trading them again, with a process of bargaining or buying and selling or also the occurrence of consumer transactions that involve which<sup>8</sup> is intended as the process of a transfer or ownership or enjoyment of goods or services from the goods provider or service provider to the consumer concerned.

In trading goods and or services, it is certainly inseparable from the responsibility of business actors in providing protection to consumers, namely in accordance with the provisions of Article 4 of the Consumer Protection Act in point c regarding the right to correct, clear and honest information regarding the conditions and guarantees of goods and services./ or services and point h, namely the right to receive compensation, compensation and / or reimbursement, if the goods and /

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<sup>6</sup> Ibid, Pp. 18

<sup>7</sup>Peter Macmud Marzuki. 2005. *Penelitian Hukum*. Jakarta: Prenada Media Group, Pp. 57

<sup>8</sup> Holijah. 2020. *Strict Liability Principke : Consumer Protection From Hidden Defective Products In Indonesia*, Sriwijaya Law Review, 4 (1), Pp. 115

or services received are not in accordance with the agreement or not as they should be.

Legal protection for consumers in obtaining information about the desired goods and services must at least be given honestly, as is the condition of the goods and services and if dishonesty results in something undesirable then business actors can be prosecuted for providing incorrect information. And it doesn't just stop there, there is a right to get compensation in the form of compensation received by consumers if they experience a loss and there is compensation and or replacement of goods<sup>9</sup> in accordance with the value, as well as the price and quantity including the goods and or services produced if they are not in accordance then the consumer has the right to ask for compensation for the value of the goods and services and or also with a refund in accordance with the existing agreement done for both parties.

### **The Principle of Benefit and the Principle of Justice**

The application of the principle of benefit as well as fairness is stated in Article 2 of the Consumer Protection Law, namely the principle of benefit states that all efforts in carrying out consumer protection must provide the maximum benefit for the interests of consumers and business actors as a whole. This principle also requires that in the regulation and enforcement of consumer protection laws it is also not intended to be able to place one party against another and vice versa, but always to be able to provide to the parties from each of them, where producers as well as business actors and consumers, and what is their right, it is hoped that regulations and also law enforcement and consumer protection can certainly provide benefits to all levels of society which in turn are also very beneficial for life in the nation and state<sup>10</sup>.

The principle of justice is intended so that all of the people participate in realizing it optimally and can also provide opportunities for business actors and consumers to be able to obtain their rights and carry out their obligations in a fair manner. This principle also requires that through regulation and law enforcement there will be protection for consumers, consumers and producers as well as business actors can always apply and act fairly through the acquisition of rights and also the fulfillment of obligations which are carried out in a balanced manner, therefore, where this law also regulates a number of regarding the rights and obligations of the consumers themselves as well as business actors and producers.

### **Harmonization of the Principles of Benefit and Fairness in Legal Protection for Consumers**

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<sup>9</sup> Fifik Wiryani, Mokhammad Najih, And Abdul Haris. 2018. *Juridical Analysis On Consumer Protection In Safe And Halal Food Distribution*, Jurnal Dinamika Hukum, 18 (1), Pp. 22

<sup>10</sup> Adrian Sutedi. 2006. *Tanggung Jawab Produk dalam Hukum Perlindungan Konsumen*, Bogor : Ghalia Indonesia, Pp. 27-29

The principle of benefit and justice based on legal protection for consumers is based on the responsibility of business actors to provide compensation or reimbursement of costs in accordance with the rights of consumers and such reimbursement is a form of responsibility from business actors or producers to consumers in the form of reimbursement due to damage or refund in accordance with the agreement between the parties. Legal protection and harmonization of consumer protection, namely the existence of strict liability<sup>11</sup> namely a form of immediate and strict accountability in which producers or business actors are obliged to take responsibility for their mistakes or actions towards consumers and there are losses as a result of their actions.

This responsibility is the harmonization of the principle of benefit both as users and users of goods and services which are always given protection so that the rights of consumers can be realized and also consumers get compensation for the goods and services purchased and are not in accordance with what is desired so that there is a need for responsibility if it causes harm, injury or disability and even death for consumers, and the intended protection must be seen how compensation and or compensation is in accordance with the needs of the buyer in implementing the principles of harmonization of benefits and justice and providing legal certainty for the parties, namely consumers and also business actors.

### **III. CONCLUSION**

1. Harmonization of the principles of benefit and justice is a form of protection for consumers in utilizing goods and or services that are consumed and used by consumers and provides justice in resolving consumer disputes regarding the rights granted in accordance with the amount of compensation or compensation in the form of replacement costs for losses or replacement of goods the damaged one.
2. The responsibility given to consumers is strict liability, namely the absolute responsibility carried out by business actors in providing compensation or compensation to consumers as legal protection.

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