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## ANALYSIS OF LEGAL PROTECTION FOR CONSUMERS IN PT MUDA KAYA MENDUNIA

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### ABSTRACT

#### KEYWORDS

Legal; consumer; digital  
copyright protection

PT Muda Kaya Mendunia is the holding company of Syntax Corporation which is engaged in educational services, scientific publications and information technology services which has been established since 2012. In digital business activities and digital service products offered by PT Muda Kaya Mendunia will have legal consequences against legal events between the company and consumers and consumer digital copyright protection when using the services of the company. The study aims to analyze the legal protection for consumers in PT Muda Kaya Mendunia. The type of legal research that is carried out in a normative juridical manner is normative juridical where law is conceptualized as what is written in laws and regulations. Consumers in this case must be given a variety of special protections which are very vulnerable to various possibilities that will harm the consumers themselves from business actors who do not have good intentions in making buying and selling transactions online. Online transactions for both business actors and consumers must have good intentions from the start.

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#### INTRODUCTION

The development of science and technology over time has undergone very rapid and significant changes. This developing science and technology have a major influence on everyday human life. Technological advances that have a major impact on human life, one of which is the internet (Zeinab & Elmustafa, 2017). In this digital era, various activities can be carried out using the internet. The existence of internet technology that has been able to increase efforts to disseminate ideas or ideas. With this internet network, such a large amount of information and knowledge can be accessed by humans in all corners of the world (Rahayu et al., 2022).

With the advent of internet media, the form of distance and time is no longer an obstacle for everyone to make transactions (Santoso et al., 2022). In addition to communicating, the internet unexpectedly before has developed into a medium for doing business. Buying and selling transactions carried out through internet media are basically the same as buying and selling transactions in general (Hidayah, 2017).

With this internet trade also developed virtual business systems, such as virtual stores and virtual companies, business people run their business and trade through internet media and no longer rely on real conventional company business (Heinemann, 2023). With such a phenomenon, namely the increasingly advanced science and technology which is the driving force for the productivity and efficiency of producers of the goods or services they produce in order to achieve business goals, legal protection of consumers is considered very important. Because in order to pursue productivity and e, in the end, either directly or indirectly, it is the consumer who bears the impact (Mamudji et al., 2005).

With the convenience offered by the internet, it is a natural thing when conventional buying and selling transactions begin to be abandoned. Currently, transactions through internet media are preferred because of the convenience offered. Trading transactions through

electronic systems, especially the internet, promise a number of benefits, but at the same time also have the potential for a number of losses (Suchak et al., 2005).

The development of internet technology has caused new problems in the field of law, especially consumer protection law. Within the scope of legal and technology discussions, consumer protection is a matter of great effectiveness in the development and application of these technologies in the community (Suchak et al., 2005). Conversely, the Consumer Protection Law that is currently in force in Indonesia is still based on something that is physical but not virtual.

PT Muda Kaya Mendunia is the parent company of Syntax Corporation which is engaged in educational services, scientific publications and information technology services that has been established since 2012. In digital business activities and digital service products offered by PT Muda Kaya Mendunia will have legal consequences for legal events between the company and consumers and consumer digital copyright protection when using the services of the company.

The digital era and digital creation cannot be avoided, due to the fact that it has become a common thing that can no longer be separated from life (Amrutha & Justin, 2019). Digital products/creations have been generally traded and already have their own consumers/markets. If avoided, it can actually inhibit growth. Digital products are becoming popular among the public because they have advantages over physical products, digital products are considered more efficient and more practical than physical products that require special storage space to store their products compared to digital products that do not require a physical place to be stored, the method of getting digital products by downloading is also an added value because it is fast and easy to get.

The use of internet technology provides changes to creation that previously only existed in physical / conventional form can now be transformed into digital form. It has several kinds of mentions such as the following: digital works, digital content, digital information, and digital copyrights. Some examples of digital products include: eBooks in PDF or kindle format and the like.

Behind this convenience there are risks that can occur. This convenience is actually used by parties who are not authorized to disseminate/ distribute by parties who do not have rights unlawfully, it is easy for a work to be changed, modified, and others so that it will trigger violations of digital rights which will later provide losses for consumers as creators of digital rights and users of digital services. Based on these problems, it has become important for PT Muda Kaya Mendunia to provide legal protection to consumers in digital services, especially in digital rights protection.

The form of protection for the community has many dimensions, one of which is legal protection. The existence of conflicts of interest in society must be minimized by the presence of law in society. The existence of legal protection for all Indonesian people can be found in the Constitution of the Republic of Indonesia 1945 (UUD 1945), therefore every product produced by the legislature must be able to provide legal protection for all people. There are several opinions of scholars regarding legal protection, including:

- a) According to (Rahardjo, 2003), legal protection is an effort to protect one's interests by allocating a power to him to act in the framework of his interests.
- b) According to (Hadjon et al., 2011), legal protection is defined as action to protect or provide assistance to legal subjects with legal instruments. When looking at the definition of legal protection above, it can be known the elements of legal protection, namely the objects that protect, objects to be protected by tools, instruments and efforts used to achieve this protection.

From several understandings of legal protection above, it can be concluded that legal protection is an effort to protect the interests of individuals on their position as human beings who have the right to enjoy their dignity, by giving them the authority to act in the framework of their interests. According to Article 1 point 1 of Law No.8 of 1999 concerning Consumer Protection states that "Consumer protection is "all efforts that ensure legal certainty to protect consumers". A sentence that states "all efforts that ensure legal certainty".

(Shidarta & Revisi, 2006) provides limitations from consumer protection law, namely the overall principles and rules of law that regulate and protect consumers in their relationships and problems with providers of consumer goods and / or services. Thus the Consumer Protection Law is used if between consumers and business actors who enter into a legal relationship, then problems occur triggered by the unbalanced position.

Based on the Consumer Protection Law in Article 1 point (1), it states that, "Consumer Protection is all efforts that ensure legal certainty to provide protection to consumers". That is, the government provides legal certainty to consumers in terms of protection of their rights and interests. Although this Consumer Protection Law aims to protect the interests of consumers, it does not mean ignoring the interests of business actors who have an important role in the world of trade and meeting the needs of the community. According to Article 3 of the Consumer Protection Law, consumer protection aims to:

- a) Increase consumer awareness, ability, and independence to protect themselves;
- b) Raising the dignity and dignity of consumers by preventing them from negative access to the use of goods or services;
- c) Increase consumer empowerment in choosing, determining and demanding their rights as consumers;
- d) Creating consumer protection that contains elements of legal certainty and information disclosure as well as access to information;
- e) Growing awareness of business actors about the importance of consumer protection so that an honest and responsible attitude in doing business grows.
- f) Improve the quality of goods and/or services that ensure the continuity of the business of producing goods and/or services, health, comfort, security, and consumer safety.

In article 1 paragraph 1 of Law Number 28 of 2014 concerning Copyright (UUHC), the definition of copyright is described as follows: "Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a work is realized in tangible form without prejudice to restrictions in accordance with the provisions of laws and regulations."

Copyright is a natural right, is absolute and protected as long as the creator lives and a few years after the creator dies, in the copyright law the period of protection after the creator dies is 70 years. As an absolute right, the right can basically be defended against anyone, who has that right can prosecute every violation committed by anyone (Riswadi, 2016).

The requirements for a creation in the fields of art, literature, and science can give birth to creation, need to meet several criteria, namely: originality and tangible. The criterion of originality refers to copyright ownership or claims of works. Indicates that a creation is actually created and comes from the creator. Originality does not require novelty in a creation, but requires that a creation is true is the result of the creator's thoughts/creations. Does not give birth to the copyright of a work / work that imitates the work / work of others or *public* domain works (Hidayah, 2017).

The tangible/tangible criterion means that copyright only protects ideas that have been expressed/embodied. The work/work must be expressed in a form and medium where the work can be presented, reproduced, and communicated in a format that is more than just a temporary expression of material (Hidayah, 2017).

Copyright is an exclusive right consisting of moral rights and economic rights. It is called an exclusive right because the right is only reserved for the creator, thus prohibiting/ restricting other parties from using the right without the author's permission. Copyright holders who are not creators only have part of the exclusive rights, namely economic rights. Moral rights are distinguished from economic rights, economic rights contain economic value, while moral rights have no economic value at all (Saidin, 2015).

Moral rights are inherent rights of the creator. Moral rights cannot be removed even if the period of copyright protection has expired. Moral rights cannot be transferred as long as the creator is still, but can be transferred by will or other causes in accordance with the provisions of laws and regulations after the creator dies. Moral rights also include neighboring rights) (Saidin, 2015).

Economic rights are the rights for creators or copyright holders to get economic value for their creations. Activities that can be carried out by economic rights holders are: publishing works; multiplication of creation in all forms; translation of works; adaptation; arrangement or transformation of the work; distribution of the work or copies thereof; show of creation; announcement of creation; creation communication; and rental of creations (Hidayah, 2017).

These rights not only provide personal benefits but also give hope for the growth of the creative economy, the rapid development of the creative economy needs to be fortified with legal protection so that copyright is the most important basis of the national creative economy (Ramli et al., 2021). Moreover, the study aims to analyze the legal protection for consumers in PT Muda Kaya Mendunia.

## RESEARCH METHOD

The type of legal research carried out in normative juridical is normative juridical where law is conceptualized as what is written in laws and regulations (*law in books*) or law is conceptualized as rules or norms that are a benchmark for human behavior that is considered appropriate. This normative legal research is based on primary and secondary legal materials, namely research that refers to the norms contained in laws and regulations. Data collection in this writing is carried out by studying documents and related library materials, by collecting regulatory regulations related to consumer protection law and intellectual property rights law, as well as searching literature, articles, and books as material to provide information related to intellectual property law. The types of legal materials used in this study include primary legal materials, secondary legal materials, and tertiary legal materials. The data analysis method of this study uses a qualitative approach. This qualitative approach is a research procedure that produces analytical descriptive data, namely what is stated by the research target concerned in writing or orally, and real behavior (Mamudji et al., 2005).

## RESULT AND DISCUSSION

### Consumer Protection Law Analysis

Before entering into the substance related to the provisions of the UUPK, it is better for us to first recognize some familiar terms from consumers. The consumer discussed in this case is every user of goods or services for the needs of themselves, family or household, and not to produce other goods/ services or trade them again, there is a consumer transaction which means the process of transferring ownership or enjoyment of goods or services from the provider of goods or service providers to consumers (Shidarta & Revisi, 2006).

Article 4 of the Law states that consumer rights include; the right to choose goods and/or services and obtain such goods and/or services in accordance with the exchange rate and conditions and guarantees promised; the right to true, clear, and honest information regarding the conditions and guarantees of goods and/or services; The right to get compensation,

compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or are not as they should be (Setyawati et al., 2017).

On the other hand, obligations for business actors in accordance with Article 7 of the Law include; provide true, clear and honest information about the condition and warranty of goods and/ or services and provide explanations of use, repair and maintenance; Provide compensation, compensation and/or replacement if the goods and/or services received or utilized are not in accordance with the agreement.

More strictly speaking, Article 8 of the Law prohibits business actors from trading goods/services that are not in accordance with the promises stated in the label, etiquette, description, advertising or sales promotion of these goods and/or services. Based on this article, the incompatibility of the specifications of the goods you receive with the goods listed in the advertisement/ photo of the offer of goods is a form of violation / prohibition for business actors in trading goods.

So, consumers in accordance with Article 4 Letter h of the UUPK are entitled to compensation, compensation and / or replacement if the goods and / or services received are not in accordance with the agreement or not as it should be. Meanwhile, the business actor himself in accordance with Article 7 Letter g of the PK Law is obliged to provide compensation, compensation and / or replacement if the goods and / or services received or utilized are not in accordance with the agreement. If business actors do not carry out their obligations, business actors can be punished based on Article 62 of the Law, which reads: "Business actors who violate the provisions as referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2) and Article 18 shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).

### **Legal Protection of Digital Copyright Works**

The development of the times makes many new technologies emerge, this can also affect creation. Creations that were once traditional forms can be made in digital form or creators can make creations in digital form. In principle, a copyright work in traditional form that is made into digital form will not lose its copyright protection, nor will a copyright work that is indeed made in digital form the copyrighted work also gives birth to copyright, as long as the copyright work meets the criteria of the work.

Digital copyrighted works do have several advantages over traditional copyrighted works, for example regarding the ease of distribution, announcement, and others. But behind this convenience, copyright infringement is also often easy to occur, causing an increase in the number of violations. There are several factors that make a digital work copyright infringement increase, namely:

- a) The ease with which digital copyrighted works are copied, copying traditional copyrighted works will usually not be similar to the original work, takes a lot of time and requires other tools. Conversely, digital copyrighted works are very easy to copy / duplicate and the results are almost indistinguishable from the original, the process is fast and cheap because it can be done virtually with just a computer.
- b) The ease and speed of dissemination of digital copyrights. Traditional copyrights are published in physical form and distributed by land, water, and air, while digital copyrights are distributed virtually, for example through the internet. In the dissemination of traditional copyrighted works, there is a time gap between their creation, dissemination, and availability. Digital copyrighted works have almost no time gap, dissemination can occur as soon as possible. Greatly cut the time required for a traditional copyrighted work. Digital

copyrights are also more efficient than traditional copyrighted works in terms of where a work is stored.

- c) It is easy for a digital copyright work to be manipulated. A digital copyrighted work can be freely manipulated or modified without compromising the quality of the original copyrighted work. It may happen that the creator's name may be changed, omitted, or added.

The convenience provided by digital copyright works turns out to be accompanied by losses that are easily done by parties who do not have rights. Therefore, digital copyrighted works require more protection than traditional copyrighted works. Traditional copyright protection methods cannot be implemented immediately for digital copyrighted works. The change from traditional to digital copyrighted works is assisted by technology, it can also utilize technology to protect digital copyrighted works. Collaboration between technology and the law is needed, such as including the regulation of the use of safeguarding technology against copyright protection of digital works included in the positive law of copyright.

### **Forms of Protection for Consumers Who Are Harmed at PT Muda Kaya Mendunia**

Legal protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/ or victims, legal protection for victims of various forms of crime, such as through the provision of restitution, compensation, medical services, and legal assistance (Shidarta & Revisi, 2006).

The form of protection provided by PT Muda Kaya Mendunia is preventive and repressive protection. Protection in its preventive form is that PT Muda Kaya Mendunia protects and works very professionally in providing protection to its consumers. An example of the form of preventive protection, PT Muda Kaya Mendunia has prepared a page that has access to complaints if things happen that are not in accordance with consumer expectations. The form of repressive protection is outside the general court, the Consumer Protection Law (UUPK) makes a breakthrough by facilitating consumers who feel aggrieved by filing a lawsuit to business actors outside the court, namely the Consumer Dispute Settlement Agency (BPSK). BPSK is a special consumer court that is expected to answer the demands of the community so that the litigation process runs quickly, simply, and cheaply.

The litigation process in BPSK can be categorized as a simple process. A simple process means that the examination or resolution of disputes is carried out only on consumer disputes. Without a consumer or who represents him as a party, the dispute is not a consumer dispute. Arbitration or alternative dispute resolution or Alternative Dispute Resolution (ADR). Repressive protection for final protection, PT Muda Kaya Mendunia provides compensation to consumers who experience losses when transacting electronically, in the form of refunds according to the amount paid to the consumer's member number deposit.

### **CONCLUSION**

Consumers in this case must be given various special protections which are very vulnerable with various possibilities that will harm the consumers themselves from business actors who do not have good intentions in conducting online buying and selling transactions. Online transactions for business actors and consumers must have good faith from the beginning.

The development of science and technology provides many changes. One of them is internet technology that has an impact on the introduction of the digital world. Digital development began to change human behavior to a creation. Creations that were once traditional can now be transformed into digital forms. A digital copyright work can use the internet for ease of announcement and dissemination. But behind the convenience provided,

there is a negative impact, namely the easier and more massive copyright infringement of digital copyright works by parties who do not have rights.

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