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JURIDICAL ANALYSIS OF BUSINESS ACTORS' LIABILITY IN CONSUMER PROTECTION IN INDONESIA

Imansyah¹, Muhammad Julianto²

^{1,2} Hukum Ekonomi Syariah, Universitas Islam Negeri Raden Mas Said Surakarta
e-mail: 254061011-imansyah@mhs.uinsaid.ac.id, mjulijanto@staff.uinsaid.ac.id

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Abstract

This study examines the juridical analysis of business actors' liability in consumer protection in Indonesia, focusing on legal regulation, forms of liability, and dispute resolution mechanisms available to consumers. The objective of this research is to analyze the legal framework governing business actors' responsibilities and to assess its role in ensuring legal protection for consumers. This study employs normative legal research using a statutory and conceptual approach, supported by library-based data derived from legislation, legal doctrines, and relevant scholarly works. The analysis is conducted through a descriptive-analytical method to examine the relationship between legal norms and the implementation of business liability in consumer protection. The findings show that Law Number 8 of 1999 on Consumer Protection provides a comprehensive legal basis regarding the obligations of business actors, compensation for consumer losses, and mechanisms for dispute settlement through non-litigation and litigation channels. Business liability is manifested through compensation, product replacement, and other legal remedies aimed at restoring consumer rights. The study also finds that challenges remain in the implementation of liability principles, particularly regarding compliance, legal awareness, and law enforcement effectiveness. Strengthening the implementation of business actors' liability is essential to promote justice, legal certainty, and balanced legal relations between businesses and consumers.

Keywords: *Business Liability; Consumer Protection; Legal Responsibility*

A. INTRODUCTION

Consumer protection is one of the important instruments in the development of an economic legal system oriented toward justice, legal certainty, and a balance of interests between business actors and consumers.¹ The

legal relationship between business actors and consumers in trade practices is not always in an equal position, as consumers are often placed in a weaker position, both in terms of access to information, economic capability, and access to legal remedies when they suffer losses.² This imbalance in position creates the

¹ Nurul Mauludiyah and Warsidi, "The Joints of Economic Strength According To Ibn Khaldun," *Paradigma: Journal of Science, Religion and Culture Studies* 20, no. 1 (2023): 49-64, <https://doi.org/10.33558/paradigma.v20i1.5931>.

² A S Sauri, Y Rahmatiar, And M Abas, "Analisis Perlindungan Konsumen Terhadap Tanggung Jawab Pelaku Usaha Memproduksi Obat Sirup Cair Yang Menimbulkan Gagal Ginjal Akut Pada Anak," *The Juris*,

need for legal regulations that provide protection for consumers while also affirming the responsibilities of business actors as a consequence of the business activities they carry out. In this legal relationship, the responsibility of business actors becomes a central element because it is directly related to the assurance of safety, quality, and certainty of the goods and/or services offered to the public.³

The issue of business actors' liability has become increasingly relevant along with the rapid development of increasingly complex commercial activities, both through conventional transactions and digital-based trade. Such developments have given rise to various legal issues related to consumer losses, including the distribution of defective products, misleading product information, breach of contract in the provision of services, violations of product safety standards, and the avoidance of liability by business actors for losses incurred. These various issues indicate that commercial activities cannot merely be understood as private relationships based on agreements between parties, but also as legal relationships that require responsibility, good faith, and compliance with consumer protection norms.⁴

Conceptually, the liability of business actors constitutes a legal obligation attached to every business actor to ensure that the goods and/or services produced, distributed, and

traded comply with standards of safety, quality, and suitability in accordance with applicable legal provisions.⁵ Such responsibility includes the obligation to provide accurate and honest information regarding products, guarantee the quality of goods or services, avoid trade practices that may harm consumers, and provide compensation when consumers suffer losses resulting from the use of marketed products. This principle positions business actors not merely as economic actors seeking profit, but also as legal subjects burdened with the obligation to respect and protect consumer rights.⁶

The normative foundation regarding the liability of business actors in Indonesia is regulated under Law Number 8 of 1999 concerning Consumer Protection as the primary legal instrument for providing protection to consumers. This law contains provisions regarding the rights and obligations of business actors and consumers, prohibitions imposed on business actors, principles of liability, and dispute resolution mechanisms in cases of violations of consumer rights.⁷ The existence of this law demonstrates that the responsibility of business actors is not merely a matter of business ethics, but also a legal obligation whose implementation may be enforced through legal mechanisms if neglected. Through these regulations, the law functions to maintain a balance in the

2023, [Http://Ejournal.Stih-Awanglong.Ac.Id/Index.Php/Juris/Article/View/833](http://ejournal.stih-awanglong.ac.id/index.php/juris/article/view/833).

³ Y Prayuti Et Al., "Analisis Tanggung Jawab Pelaku Usaha Atas Barangtidak Sesuai Komposisi: Perspektif Pasal 62 Undangundang Perlindungan Konsumen No. 8 Tahun 1999," *Jurnal Hukum ...*, 2025, [Https://Journal.Fexaria.Com/J/Index.Php/Jhip/Article/Vie w/257](https://journal.fexaria.com/j/index.php/jhip/article/view/257).

⁴ A A Gunadi And A Gunadi, "Analisis Tanggung Jawab Pelaku Usaha Terhadap Konsumen Atas Dugaan Manipulasi Harga Masker Di Tokopedia Berdasarkan ...," *Jurnal Hukum Adigama*, 2022, [Https://Journal.Untar.Ac.Id/Index.Php/Adigama/Article/ Download/20065/12204](https://journal.untar.ac.id/index.php/adigama/article/download/20065/12204).

⁵ R K Putri Et Al., "Analisis Tanggung Jawab Pelaku Usaha Terhadap Produk Cacat Dalam Perspektif Perlindungan

Konsumen," ... *Ilmu Sosial \& ...*, 2025, [Http://Ejournal.Yayasanpendidikandzurriyatulquran.Id/In dex.Php/Alzayn/Article/View/2299](http://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/alzayn/article/view/2299).

⁶ Z A Marpaung, "Analisis Yuridis Perlindungan Hukum Bagi Konsumen Dalam Transaksi E-Commerce Di Indonesia," *TANJAK JURNAL HUKUM*, 2025, [https://jurnal.ulb.ac.id/index.php/TANJAK/article/downl oad/8142/5357](https://jurnal.ulb.ac.id/index.php/TANJAK/article/download/8142/5357).

⁷ R Danuaji, "Analisis Yuridis Perlindungan Hukum Terhadap Konsumen Akibat Pelabelan Menyesatkan Dalam Industri Pangan Olahan Di Indonesia: Indonesia," *Jurnal Hukum Respublica*, 2025, [http://journal.unilak.ac.id/index.php/Respublica/article/vi ew/22991](http://journal.unilak.ac.id/index.php/Respublica/article/view/22991).

relationship between business actors and consumers while simultaneously encouraging the creation of a fair and responsible trading system.⁸

One important aspect in the study of business actors' liability is accountability for losses suffered by consumers as a result of the use of goods and/or services. Such liability may take the form of compensation for material losses, financial compensation, medical treatment, or replacement of defective products or products that do not comply with the promised standards.⁹ This form of liability not only functions as a means of restoring the rights of harmed consumers, but also serves as a preventive instrument to ensure that business actors conduct their business activities with prudence and good faith. This principle of liability holds an important position in consumer protection law because it serves as the juridical basis for assessing the extent to which business actors fulfill their legal obligations toward consumers.¹⁰

On the other hand, the implementation of business actors' liability in practice does not always proceed as expected. Various forms of violations of consumer rights are still found, indicating the weak compliance of some business actors with consumer protection law

provisions.¹¹ The circulation of products that do not meet standards, the use of misleading information, refusal to provide compensation, and the use of clauses detrimental to consumers are indicators that the implementation of business actors' liability still faces significant challenges. This issue creates an urgency to further examine the effectiveness of existing legal regulations, including the dispute resolution mechanisms available in providing legal protection for consumers.¹²

Dispute resolution constitutes an important part of the consumer protection system, particularly when business actors fail to fulfill their legal responsibilities. Consumer protection law provides various dispute resolution mechanisms, including deliberation, consumer dispute resolution institutions, and court proceedings.¹³ The existence of these mechanisms demonstrates that consumer protection does not stop at normative regulations concerning rights and obligations, but also includes guarantees of access to justice for consumers in seeking remedies for violated rights.¹⁴ A study on business actors' liability would be incomplete without linking it to dispute resolution mechanisms as an integral part of legal protection for consumers.¹⁵

⁸ Y Yuningsih, E Suhartini, and J J Gilalo, "Analisis Yuridis Pertanggung Jawaban Apotek Atas Kelalaian Pemberian Obat Terhadap Konsumen Ditinjau Dari Undang-Undang Perlindungan Konsumen Dan ...," *Jurnal Hukum To-Ra: Hukum* ..., 2024, <https://www.ejournal.fhuki.id/index.php/tora/article/view/370>.

⁹ D Fahrizal, D Anatami, and S Nurkhotijah, "Analisis Yuridis Tanggung Jawab Pelaku Usaha Terhadap Konsumen Akibat Keterlambatan Penerbangan," *Jurnal Ilmiah Hukum Dan Hak* ..., 2022, <https://www.neliti.com/publications/629764/analisis-yuridis-tanggung-jawab-pelaku-usaha-terhadap-konsumen-akibat-keterlamba>.

¹⁰ G N Alifiani, *Analisis Yuridis Tanggung Jawab Pelaku Usaha Terhadap Pengoplosan Tabung Gas LPG (Liquefied Petroleum Gas) Berdasarkan Undang-Undang Republik Indonesia ...* (repository.unpar.ac.id, 2023), <https://repository.unpar.ac.id/handle/123456789/18632>.

¹¹ V O Mangambe, H B Tambajong, and C C Wohon, *ANALISIS YURIDIS TANGGUNG JAWAB PELAKU USAHA TERHADAP PERINGATAN KESEHATAN*

YANG TIDAK DICANTUMKAN PADA ROKOK ELEKTRONIK (repo.unikadelasalle.ac.id, 2024), <https://repo.unikadelasalle.ac.id/3833/>.

¹² S Yulianingsih and R K Putra, "Analisis Yuridis Tentang Perlindungan Konsumen Pada E-Commerce Di Indonesia: Pendekatan Yuridis-Normatif," *Hakim: Jurnal Ilmu Hukum Dan* ..., 2024, <https://journal.stekom.ac.id/index.php/Hakim/article/view/2204>.

¹³ M SARI, A YOE, and W WINDARTO, "Analisis Yuridis Terhadap Peran Badan Penyelesaian Sengketa Konsumen Dalam Perlindungan Konsumen Di Indonesia," *Riau Law Journal*, 2025, <http://rlj.ejournal.unri.ac.id/index.php/RLJ/article/view/26>.

¹⁴ Warsidi, W., Khan, S. U., and Suhartono, "Implementasi Maqāsid Al-Syarī'ah dalam Pertimbangan Hakim pada Sengketa Ekonomi Syariah," *Maqasid: Jurnal Studi Hukum Islam*, Vol. 14, No. 3, 2025, <https://doi.org/10.30651/mqsd.v14i3.28691>.

¹⁵ L S Patricia, "Analisis Yuridis Terhadap Perlindungan Konsumen Dan Dampaknya Pada Praktik Bisnis Di

In academic studies, the issue of business actors' liability has been widely discussed, particularly regarding liability for defective products, consumer protection in electronic transactions, and the responsibility of business actors in various trade sectors.¹⁶ Nevertheless, there remains a need for studies that comprehensively connect aspects of legal regulation, forms of liability, and dispute resolution mechanisms within a unified juridical analytical framework. This need forms an important basis for this research, namely positioning business actors' liability as an object of study that is examined not only from the norms governing it, but also from its legal construction in ensuring consumer protection.¹⁷

This research possesses both theoretical and practical relevance. Theoretically, this study contributes to the development of legal science, particularly consumer protection law, through an analysis of the juridical construction of business actors' liability in legal relations with consumers. Practically, this research is expected to contribute to strengthening the legal awareness of business actors regarding the obligations they must fulfill, enhancing consumers' understanding of their rights, and providing input for the development of more effective legal policies in consumer protection in Indonesia.¹⁸

Based on the foregoing background, this research departs from the issues concerning how the legal regulation of business actors' liability toward consumers is governed under

Law Number 8 of 1999 concerning Consumer Protection, what forms of liability business actors bear for losses suffered by consumers as a result of the use of goods and/or services, and what settlement efforts may be pursued when business actors fail to fulfill their responsibilities.¹⁹ These issues are important to examine in order to understand the extent to which the legal construction of consumer protection provides guarantees for the fulfillment of business actors' responsibilities and the protection of consumer rights.

This research employs a normative legal approach by examining statutory regulations, legal doctrines, and relevant literature concerning business actors' liability and consumer protection. This approach is used to analyze the legal norms governing the liability of business actors, the forms of accountability for consumer losses, as well as the dispute resolution mechanisms available within the Indonesian legal system. Through this approach, the research is expected to produce a systematic juridical analysis regarding business actors' liability as an instrument of consumer protection oriented toward justice, legal certainty, and a balance of rights and obligations between the parties in commercial relationships.

B. RESEARCH METHOD

This research constitutes normative legal research that focuses on examining positive legal norms related to the liability of business actors in consumer protection. The approaches

Indonesia," *Jurnal Hukum Lex Generalis*, 2024, <https://rewangrencang.com/ojs/index.php/JHLG/article/view/575>.

¹⁶ MSKG Suka, N Junus, and ..., "Analisis Yuridis Undang-Undang No 8 Tahun 1999 Tentang Perlindungan Konsumen Terhadap Accountability Penjual Clouthing Line Terhadap Konsumen Akibat ...," *Perkara: Jurnal Ilmu* ..., 2024, <https://journal.stekom.ac.id/index.php/PERKARA/article/view/1662>.

¹⁷ PSSS Dewi and R B Setianingrum, "Kajian Yuridis Perlindungan Konsumen Terhadap Pemasaran Produk Perawatan Badan Overclaim Di Marketplace," *Adagium: Jurnal Ilmiah* ..., 2025,

<https://ejournal.mejailmiah.com/index.php/adagium/article/view/228>.

¹⁸ H R Nasution and A Harris, "Kedudukan Konsumen Dalam Hubungan Hukum Dengan Pelaku Usaha Di Indonesia," *Locus Journal of Academic Literature* ..., 2025, <https://jurnal.locusmedia.id/index.php/jalr/article/view/572>.

¹⁹ E Purwito, "Konsep Perlindungan Hukum Konsumen Dan Tanggung Jawab Hukum Pelaku Usaha Terhadap Produk Gula Pasir Kadaluarsa Di Kota Surabaya," *DEKRIT (Jurnal Magister Ilmu Hukum)*, 2023, <https://ejournal.fh.ubhara.ac.id/index.php/dekrit/article/download/142/157>.

employed in this study include the statutory approach and the conceptual approach. The statutory approach is used to examine the provisions contained in Law Number 8 of 1999 concerning Consumer Protection along with other related regulations, while the conceptual approach is used to analyze legal doctrines and principles associated with business actors' liability, consumer protection, and dispute resolution mechanisms. Definition of Variables/Key Concepts In normative legal research, variables are understood as key concepts that are analyzed.

The main concepts in this research include: (1) business actors' liability, namely the legal obligation of business actors to bear consumer losses resulting from traded goods and/or services, whether based on the principle of fault liability, presumption of liability, or strict liability; (2) consumer protection, namely all efforts that guarantee legal certainty in protecting consumers' rights as regulated under statutory provisions; and (3) the effectiveness of law enforcement, namely the level of conformity between legal norms (*das sollen*) and their implementation in practice within society (*das sein*).

The legal materials used in this research consist of: (1) primary legal materials in the form of relevant statutory regulations; (2) secondary legal materials in the form of books, scientific journals, and the opinions of legal scholars (legal doctrines); and (3) tertiary legal materials in the form of legal dictionaries, encyclopedias, and other relevant supporting sources. The collection of legal materials was conducted through library research using documentation techniques, namely by tracing, inventorying, and classifying legal materials in accordance with the focus of the research.

The analysis of legal materials in this research is conducted using a descriptive-analytical method, namely by describing the applicable legal norms while simultaneously analyzing them critically. The reasoning pattern employed is deductive, by drawing

conclusions from general norms to specific problems. This analysis is further strengthened through a critical legal analysis approach to examine the gap between legal norms and their implementation, thereby producing a comprehensive juridical construction regarding business actors' liability in consumer protection in Indonesia.

C. RESULTS AND DISCUSSION

Results

Based on the results of the examination of the legal materials used in this research, it can be found that the regulation concerning business actors' liability in consumer protection in Indonesia has been regulated quite comprehensively under Law Number 8 of 1999 concerning Consumer Protection. Under these provisions, business actors are not only positioned as parties conducting economic activities, but also as legal subjects who have the obligation to guarantee the safety, quality, and conformity of the goods and/or services traded. In addition, business actors are also required to provide accurate, clear, and honest information to consumers.

The results of the research also indicate that consumer protection law regulates various prohibitions that must be complied with by business actors, such as the prohibition against trading goods that do not meet established standards, providing misleading information, and distributing products that have the potential to harm consumers. These provisions demonstrate that consumer protection is not only implemented after losses occur, but is also directed toward preventing violations from the outset. In the event that losses occur, business actors are required to provide accountability to consumers.

The forms of such liability include refunds, replacement of goods or services, and the provision of compensation in accordance with the losses suffered. In addition, business actors may also be required to repair or replace

defective products and provide compensation if the use of such products causes impacts on the health or safety of consumers. Furthermore, it was found that the legal system in Indonesia has provided dispute resolution mechanisms that may be utilized by consumers. Dispute resolution may be carried out through non-litigation channels, such as deliberation between the parties or through consumer dispute resolution institutions, including the Consumer Dispute Resolution Agency (Badan Penyelesaian Sengketa Konsumen / BPSK). In addition, consumers may also pursue litigation through the courts if out-of-court settlement does not produce the expected results.

Although normatively the regulation concerning business actors' liability has been established, the results of this research also indicate that, in practice, several obstacles still exist. Among these are the fact that some business actors have not fully fulfilled their obligations, the difficulties faced by consumers in proving their losses, and the suboptimal enforcement of the law. Furthermore, the level of consumer awareness regarding their rights remains relatively low. These findings demonstrate the existence of a gap between the applicable legal provisions and their implementation in practice. In other words, the existence of relatively comprehensive legal regulations has not been fully accompanied by effective implementation in providing protection for consumers.

Discussion

1. Legal Regulation of Business Actors' Liability in Consumer Protection

Business actors' liability constitutes an important element in the consumer protection system because it is related to guaranteeing the fulfillment of consumers' rights in commercial activities.²⁰ The relationship between consumers and business actors positions business actors not merely as parties offering goods and/or services, but also as legal subjects burdened with the obligation to guarantee the safety, quality, and conformity of the products traded. These obligations obtain their normative foundation through Law Number 8 of 1999 concerning Consumer Protection, which regulates the rights and obligations of the parties, prohibitions imposed on business actors, and mechanisms of liability when consumers suffer losses.²¹

From a juridical perspective, business actors' liability is rooted in the principle of protecting consumers as parties who are vulnerable to experiencing an imbalance of position in transactions. This legal regulation places business actors under the obligation to act in good faith, provide accurate, clear, and honest information, and guarantee the quality of goods and/or services in accordance with established standards.²² This principle demonstrates that business actors' liability is not only contractual in nature, but also constitutes a legal responsibility arising from normative obligations to protect consumer interests.

Consumer Protection Law also regulates various prohibitions that serve as limitations

²⁰ R S Prameswari, A I Fardiansyah, and ..., "Menjerat Overclaim: Tanggung Jawab Hukum Pelaku Usaha Skincare Dalam Perspektif Perlindungan Konsumen," *Jurnal Hukum Lex* ..., 2025, <https://ojs.rewangrencang.com/index.php/JHLG/article/view/1965>.

²¹ S Nugraha, D Andayani, And M S Tumanggor, "... Pencurian Data Konsumen Melalui Aplikasi Tokopedia Berdasarkan Pasal 19 Dan Pasal 62 Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen,"

Unes Law Review, 2023, <https://Review-Unes.Com/Index.Php/Law/Article/View/1165>.

²² V W S Soemarwi And Y Ridzkia, "Perlindungan Hukum Konsumen Terhadap Peredaran Kosmetik Palsu Berdasarkan Uu Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Dan Peraturan Bpom ...," ... *Yuridis* ..., 2023, [Http://Jurnal.Universitasdarmaagung.Ac.Id/Jurnalrectum/Article/View/2864](http://Jurnal.Universitasdarmaagung.Ac.Id/Jurnalrectum/Article/View/2864).

on the conduct of business actors in commercial activities, such as trading goods that do not meet established standards, providing misleading information, and producing or distributing goods that have the potential to harm consumers.²³ The regulation of these prohibitions demonstrates the preventive function of consumer protection law, namely preventing losses before disputes arise. Legal protection for consumers is not only realized through compensation mechanisms, but also through restrictions on business practices that have the potential to violate consumers' rights.²⁴

From the perspective of juridical analysis, the regulation of business actors' liability reflects the principles of justice, legal certainty, and balance in the legal relationship between consumers and business actors.²⁵ The principle of justice is reflected in the obligation of business actors to bear the legal consequences of the losses caused. The principle of legal certainty is evident through the existence of norms that clearly regulate obligations, prohibitions, and sanctions. The principle of balance is reflected in the recognition of consumer rights accompanied by the obligations imposed on business actors.²⁶ These three principles form the foundation for establishing an effective consumer protection system.

In addition to its normative dimension, the regulation of business actors' liability also carries social and economic implications. Compliance with legal obligations not only provides protection for consumers, but also creates trust in transactions and supports the establishment of a healthy business climate. A comparable institutional logic is reflected in the implementation of sharia-compliant service standards in certified hospitals, where compliance, service quality, and accountability function as instruments for protecting service users.²⁷ Conversely, neglect of such responsibilities has the potential to cause consumer losses, reduce public trust, and disrupt legal certainty in commercial activities.

2. Forms of Business Actors' Liability for Consumer Losses

The forms of business actors' liability for consumer losses constitute a concrete manifestation of the principle of liability in consumer protection law. Such liability arises when consumers suffer losses as a result of the use of goods and/or services produced or traded by business actors. These losses may take the form of economic losses, losses resulting from defective products, or losses related to consumer safety and health.²⁸

One of the primary forms of liability is the provision of compensation for material losses suffered by consumers. Compensation may

²³ D K Dewi And J I Mahuli, "Perlindungan Hukum Terhadap Konsumen Di Era Ekonomi Digital: Analisis Terhadap Tanggung Jawab Pelaku Usaha Platform E-Commerce," *All Fields Of Science Journal Liaison Academia And ...*, 2025.

²⁴ B P Sari, Y Ismail, And K Sulatri, "Perlindungan Hukum Terhadap Konsumen Terkait Overclaim Pelaku Usaha Dalam Label Obat Ditinjau Dari Pasal 8 Ayat (1) Huruf D Undang-Undang Nomor 8 Tahun ...," *Yurijaya: Jurnal Ilmiah Hukum*, 2022, https://Yurijaya.Unmerpas.Ac.Id/Fakultas_Hukum/Article/View/71.

²⁵ A S Setyawan And A Mardjiono, "Pertanggungjawaban Pelaku Usaha Terhadap Barang Cacat Produksi," *Transparansi Hukum*, 2025, <https://Ojs.Unik-Kediri.Ac.Id/Index.Php/Transparansihukum/Article/Download/6722/4214>.

²⁶ J Tatianna And M A P Putra, "Produk Tidak Sesuai Di Marketplace: Tanggung Jawab Pelaku Usaha Dan Peran Lembaga Perlindungan Konsumen," *Jurnal Media Akademik (Jma)*, 2025, <https://Jurnal.Mediaakademik.Com/Index.Php/Jma/Article/View/1464>.

²⁷ Warsidi, W., Haqqi, A. R. A., and Swadjaja, I., "Implementation of Sharia System in Sharia-Certified Hospitals," *Jurnal Ilmiah Ekonomi Islam*, Vol. 10, No. 3, 2024, 2828-2833, <https://doi.org/10.29040/jiei.v10i3.14713>.

²⁸ M Haq And D Felandry, "... Rangka Mewujudkan Asas Keadilan Dan Kepastian Hukum Bagi Konsumen Berdasarkan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Jotika Research In Business Law*, 2024, <http://Www.Jotika.Co.Id/Index.Php/Jrbl/Article/View/151>.

take the form of refunds, replacement of goods with similar items or items of equivalent value, or other forms of compensation corresponding to the level of losses incurred. This form of liability demonstrates the reparative function of consumer protection law, namely restoring the consumer's position to the condition prior to suffering the loss.²⁹

In addition to compensation for material losses, business actors may also be held liable through the provision of compensation or medical treatment if the products traded cause impacts on the health and safety of consumers. This form of liability is important because consumer protection is not only oriented toward aspects of economic transactions, but also toward the protection of the right to security and safety in the use of goods and/or services.³⁰

Another form of liability is the repair or replacement of defective goods and/or services or those that do not comply with the promised standards. This responsibility demonstrates that business actors are obligated to guarantee the quality of products circulating within society.³¹ From a legal perspective, the replacement of defective products is not merely the fulfillment of a business obligation, but also a juridical consequence of products that fail to meet consumer protection standards.³²

An analysis of these forms of liability indicates that business actors' accountability

has two primary functions, namely a reparative function and a preventive function. The reparative function is reflected in efforts to restore consumers' rights through compensation or reimbursement. The preventive function is reflected in encouraging business actors to conduct their business activities with prudence in order to avoid causing losses to consumers.³³

In the development of consumer protection law, business actors' liability is no longer understood solely on the basis of subjective fault, but is also oriented toward the objective obligation to guarantee the quality and safety of products. This perspective demonstrates a shift from a fault-based liability concept toward stronger protection for consumers as the weaker party in legal relationships.³⁴

Although the forms of liability have been normatively regulated, their implementation still faces challenges, particularly concerning the compliance of business actors in fulfilling compensation obligations, the difficulties encountered by consumers in proving their losses, and the weak level of legal awareness within society. These issues demonstrate the importance of effective law enforcement so that business actors' liability does not remain merely at the normative level, but truly provides real protection for consumers.

3. Dispute Resolution Efforts for the Negligence of Business Actors' Liability

²⁹ K P A Putra And I B Y Raditya, "Tanggung Jawab Pelaku Usaha Dalam Transaksi Cross-Border Menurut Hukum Perlindungan Konsumen," *Jurnal Media Akademik (Jma)*, 2025,

<https://jurnal.mediaakademik.com/index.php/jma/article/view/3692>.

³⁰ E Wahjuni, N K Sari, And S Octaviani, "Tanggung Jawab Pelaku Usaha Terhadap Kerugian Konsumen Akibat Kosmetik Bersteroid," *Jurnal Rechtsens*, 2022, <http://ejournal.uj.ac.id/index.php/rec/article/view/1268>.

³¹ B Susandi, N K Martam, And D Rahim, "Tanggung Jawab Pelaku Usaha Terhadap Kerugian Produk Yang Diperdagangkan," *Gorontalo Justice Research*, 2025, <https://jurnal.unigo.ac.id/gjr/article/view/4195>.

³² D V Ikhsani And D Amir, "Tanggung Jawab Pelaku Usaha Terhadap Konsumen Atas Iklan Yang Menyesatkan

Ditinjau Dari Undang-Undang Perlindungan Konsumen," *Zaaken: Journal Of Civil And Business ...*, 2022, <https://online-journal.unja.ac.id/zaaken/article/view/14634>.

³³ Nurh N U R Hamid, *Tanggung Jawab Pelaku Usaha Terhadap Konsumen Sesuai Undang-Undang No 8 Tahun 1999 Tentang Perlindungan Konsumen Terkait Dengan Produk Makanan ...* (Repository.Undaris.Ac.Id, 2022), <http://repository.undaris.ac.id/8080/Id/Eprint/1158/>.

³⁴ R A Susanti, Y Kurniati, and D Durahman, "Tanggung Jawab Pelaku Usaha Terkait Penjualan Rokok Kepada Anak Dan Perlindungan Hukum Berdasarkan Perlindungan Konsumen Dan Perlindungan Anak," *Innovative: Journal Of Social ...*, 2025, <http://j-innovative.org/index.php/innovative/article/view/19177>.

When business actors fail to fulfill their legal responsibilities, disputes between consumers and business actors may arise as a consequence of violations of consumer rights. Within the consumer protection system, dispute resolution constitutes an integral component that functions to provide consumers with access to justice in seeking the restoration of their rights.³⁵

Dispute resolution may be pursued through deliberation or negotiation between consumers and business actors. This mechanism represents an initial non-litigation approach oriented toward amicable settlement.³⁶ Through deliberation, the parties may reach an agreement regarding the form of remedy, whether in the form of replacement of goods, refunds, or other mutually agreed compensation. This mechanism has the advantages of being simple, fast, and efficient.³⁷

If settlement through deliberation fails to reach an agreement, consumers may pursue resolution through consumer dispute resolution institutions, including the Consumer Dispute Resolution Agency (Badan Penyelesaian Sengketa Konsumen / BPSK). This institution provides dispute resolution mechanisms through mediation, conciliation, and arbitration. The existence of BPSK represents a strengthening of legal protection by providing an alternative dispute resolution

mechanism outside the courts that is more accessible to the public.³⁸

From a juridical perspective, the existence of dispute resolution mechanisms outside the courts demonstrates that consumer protection law does not solely emphasize settlement through litigation, but also provides space for mechanisms that are simpler and more responsive to the needs of society. These mechanisms function to maintain a balance of interests between the parties while expanding consumers' access to justice.³⁹

Court proceedings constitute another legal instrument that may be pursued when non-litigation settlement does not provide adequate remedies. Through lawsuits filed before the courts, consumers may seek compensation or the enforcement of obligations by business actors based on applicable legal provisions. The litigation process serves an important function as a form of legal protection that provides certainty through legally binding judicial decisions.⁴⁰

An analysis of dispute resolution mechanisms indicates that the Indonesian legal system has fundamentally provided sufficiently comprehensive instruments to demand the liability of business actors. The challenges that continue to arise are more closely related to the effectiveness of implementation, the accessibility of dispute resolution mechanisms, and the level of legal awareness among the parties involved.

³⁵ Ipga Wirayasa, I N Sujana, And ..., "Tanggung Jawab Yuridis Pelaku Usaha Ritel Kepada Konsumen Terhadap Pengalihan Uang Kembali Dalam Bentuk Sumbangan," *Jurnal Preferensi* ..., 2024, <https://ejournal.warmadewa.ac.id/index.php/juprehum/article/view/8707>.

³⁶ M Gustina, "Tanggungjawab Pelaku Usaha Dalam Melakukakan Perlindungan Hukum Terhadap Konsumen Pakaian Bekas Impor," *Jurnal Darma Agung*, 2024, <http://jurnal.universitasdarmaagung.ac.id/jurnaluda/article/view/3985>.

³⁷ Igbis Sumaragatha, B Evangelista, And S P Mulyana, "Tanggungjawab Pelaku Usaha Dalam Penjualan Gas Lpg 3 Kg Yang Bermasalah Menurut Undang-Undang Perlindungan Konsumen: Responsibility Of Business ...," *Ganec Swara*, 2025,

<http://jurnal.yalamqa.com/index.php/gara/article/view/244>.

³⁸ D A Alpiana Et Al., "Tanggungjawab Pelaku Usaha Dalam Transaksi E-Commerce Perspektif Perlindungan Konsumen," *Lex Journal: Kajian Hukum Dan* ..., 2025.

³⁹ R Jusar, P Taher, And I Dwivismiar, "Tanggungjawab Pelaku Usaha Dan Marketplace Terhadap Pelanggaran Asas Itikad Baik Dalam Transaksi E-Commerce," *Sultan Jurisprudence: Jurnal* ..., 2023, <https://jurnal.untirta.ac.id/index.php/jurisprudence/article/view/19234>.

⁴⁰ W Yuspin And A Wicaksono, "Telaah Yuridis Perlindungan Konsumen Dalam Kegiatan Investasi Aset Kripto Di Indonesia," *Dih: Jurnal Ilmu Hukum*, 2023, <https://jurnal.untag-sby.ac.id/index.php/dih/article/view/7886>.

4. Juridical Analysis of the Implementation of Business Actors' Liability

Based on the discussion regarding legal regulation, forms of liability, and dispute resolution mechanisms, it can be understood that business actors' liability in consumer protection already possesses a relatively comprehensive juridical foundation. The legal system positions business actors as legal subjects who not only possess rights, but also obligations toward consumers, while simultaneously providing legal instruments to address violations of such obligations.⁴¹

The main issue that continues to be faced lies in the implementation of legal norms in practice. In various cases, problems in consumer protection do not arise from the absence of legal regulations, but rather from the weak compliance of business actors, the low level of consumer awareness regarding their rights, and the suboptimal enforcement of the law.⁴² This condition demonstrates that the effectiveness of business actors' liability is not solely determined by the strength of legal substance, but is also greatly influenced by the performance of institutional structures as well as the level of legal awareness and legal culture that develop within society.⁴³

From the juridical analysis, it can be affirmed that business actors' liability constitutes a crucial instrument in realizing fair consumer protection. The existence of regulations concerning legal obligations, the clarity of forms of liability, and the availability of dispute resolution mechanisms reflect that the Indonesian legal system already possesses an adequate foundation for guaranteeing a balanced legal relationship between business

actors and consumers. Therefore, strengthening the implementation aspect of business actors' liability becomes highly important in order to enhance the effectiveness of consumer protection in Indonesia.

The originality of this research is based on the mapping of the state of the art, which indicates that studies on business actors' liability within consumer protection law in Indonesia are still predominantly dominated by normative-doctrinal approaches focusing on the construction of legal rules and forms of legal liability. Meanwhile, existing implementation-oriented studies tend to be partial and have not yet been integrated into a comprehensive analytical framework. This condition gives rise to a research gap, particularly in connecting the philosophical, juridical, and sociological dimensions simultaneously in understanding business actors' liability. This research presents novelty through an integrative juridical approach that moves from normative exposition toward critical legal analysis by examining the gap between *das sollen* and *das sein*. In addition, this research reconstructs the concept of business actors' liability as a system of accountability that is oriented not only toward legal certainty, but also toward substantive justice and social utility.

This research provides a theoretical contribution by enriching the concept of business actors' liability through the integration of various principles of legal accountability within a coherent and contextual framework. From a methodological perspective, this research expands the approach to legal studies through an integrative juridical analysis capable of

⁴¹ M A Nadhira, S Hermawan, And R Candrakirana, "Tinjauan Yuridis Legalitas Lembaga Perlindungan Konsumen Swadaya Masyarakat (Lpksm) Serta Perannya Dalam Melindungi Konsumen Di Indonesia," *Gloria Justitia*, 2023, <https://Ejournal.Atmajaya.Ac.Id/Index.Php/Gloriajustitia/Article/View/4393>.

⁴² M A Mansyur And E Solaiman, "Tinjauan Yuridis Pelepasan Tanggung Jawab Pelaku Usaha Terhadap

Konsumen Pada Perjanjian Parkir Di Kota Makassar," *Alauddin Law Development Journal*, 2022.

⁴³ I G F Yasa And Z Asikin, "Tinjauan Yuridis Penggunaan Klausula Baku Pada Perjanjian Dalam Rangka Perlindungan Konsumen," *Commerce Law*, 2023, <https://Jurnal.Unram.Ac.Id/Index.Php/Commercelaw/Article/View/2852>.

bridging legal norms and social realities. Practically, this research provides direction for strengthening consumer protection legal policies and encourages a paradigm shift from formal-procedural protection toward more substantive and justice-oriented protection, thereby making it relevant to the dynamics of modern economic transactions.

D. CONCLUSION

This research concludes that business actors' liability constitutes a juridical instrument that occupies a central position within the consumer protection system in Indonesia. Its regulation under Law Number 8 of 1999 concerning Consumer Protection has affirmed the obligation of business actors to guarantee the safety, quality, and conformity of goods and/or services, as well as to provide compensation for consumer losses through mechanisms of reimbursement, repair, or replacement. Although normatively the legal construction is already adequate and supported by both litigation and non-litigation dispute resolution mechanisms, the effectiveness of

consumer protection still depends on the level of compliance of business actors, consumers' legal awareness, and the consistency of law enforcement. The limitation of this research lies in its normative approach, which has not empirically measured the level of effectiveness in the implementation of business actors' liability in practice. In addition, this research has not specifically examined the dynamics of consumer protection within the context of rapidly developing digital transactions. Therefore, it is recommended that future research develop empirical or socio-legal approaches in order to examine the implementation of legal norms more concretely. On the other hand, stronger regulatory reinforcement and more progressive law enforcement are required, along with increased consumer legal literacy and greater encouragement of business actors' compliance, so that consumer protection does not merely remain at the normative level, but is truly realized substantively in practice.

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