

JURIDICAL ANALYSIS OF THE RELEVANCE OF GOVERNMENT REGULATION NUMBER 80 OF 2019 CONCERNING E-COMMERCE WITH LAW NUMBER 7 OF 2014 CONCERNING TRADE

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Abstract

This journal discusses the relevance of government regulation number 80 of 2019 regarding e-commerce with law number 7 of 2014 concerning trade. The research method used is a normative and empirical juridical approach, using primary and secondary data obtained from literature studies. The results of the study show that government regulation number 80 of 2019 regarding e-commerce is relevant to law number 7 of 2014 concerning trade. because there are no conflicting norms in it. regulate more specifically regarding parties implementing, requirements, implementation, obligations of business actors, advertisements, offers, receipts, confirmations, contracts, payments, delivery of goods, exchange of goods in trade with electronic systems, protection of personal data,

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I. INTRODUCTION

Information technology makes everything easier and certainly faster with relatively cheap prices because the systems and methods used in e-commerce are different from conventional systems and methods. Most people's lives are very dependent on this, including the existing trading activities. Currently trading activities around the world are getting easier thanks to trading through an electronic system or commonly referred to as e-commerce.³

Trade arrangements in general have been regulated in the Trade Law no. 7 of 2014 and regarding Trading activities through the Electronic System, it is mandated to make further arrangements in Government Regulations to regulate electronic commerce activities for the sake of the implementation of a fair and reliable trading system and to protect the national interest.⁴

Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems is a regulation to implement the provisions of Article 66 Trade Law No. 7 year 2014. In order to implement the provisions of Article 66 Trade Law No. 7 Year 2014, on November 20, 2019, President Joko Widodo (Jokowi) signed

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³ Wahyu Utami dan Yogabakti Adipradana S. 2017. *Pengantar Hukum Bisnis*. Jala Permata Aksara, Jakarta, p. 135.

⁴ Ramlan. 2016. *Hukum Dagang*. Setara Press, Malang, p. 20.

Government Regulation (PP) Number 80 of 2019 concerning Trading Through Electronic Systems (e-commerce). Where inside Law Number 7 of 2014 concerning Trade, contained in chapter VIII article 65 and article 66. In essence, the policies and laws and regulations regarding trade, whether conducted conventionally or electronically, have the same goal, namely to carry out legal, honest commercial activities based on the principle of fair business competition. healthy mutual respect and protect consumer rights.⁵

Based on the explanation of the background above, the problem in this writing is how is the relevance of government regulation number 80 of 2019 regarding e-commerce with law number 7 of 2014 regarding trade? The research method used is a normative and empirical juridical approach, using primary and secondary data, obtained from a literature study.

II. DISCUSSION

1. Use of E-Commerce

In recent years e-commerce is growing rapidly in Indonesia, technological developments and the Internet provide an alternative choice to the online community where people no longer need to come to shopping centers. People usually have to go to shopping centers to meet their daily needs, but with the development of technology and the Internet, it gives people another way to fulfill their needs. The distance from the shopping location, the availability of goods needed by the community to the lack of time to shop are a few of the various reasons as a consideration for choosing to shop through e-commerce.⁶

In the world of business and trade, we often hear the term e-commerce, which is a form of online trading using internet technology. The Association for electronic commerce defines e-commerce as a mechanism for trading electronically. For today's business, e-commerce is not only the process of buying and selling goods online, but also includes all marketing, sales, shipping, service and payment activities worldwide. In general, there are 3 characteristics of e-commerce, namely:

- a. There is a transaction between 2 parties;
- b. There is an exchange of goods, services or information;
- c. Using the internet as a medium.

E-commerce is the process of transacting goods or services through information systems using information technology. The emergence of online buying and selling makes it possible to see and know product prices and even negotiate prices without having to come directly to where the goods are sold. E-commerce is a set of technologies, applications, and business processes that connect companies,

⁵ Nuryanti, "Peran E-Commerce Untuk Meningkatkan Daya Saing Usaha Kecil Dan Menengah (UKM)", *Jurnal Ekonomi*, Vol. 21, No. 4 Desember 2013, p. 4

⁶ Masri Sanusi, "Aspek Hukum Perlindungan Konsumen E-commerce", *Ad Daulah*, Vol. 1, No. 2, (Juni 2013), p. 98

consumers, and certain communities through electronic transactions and trade in goods, services, and information conducted electronically.

Then it can be seen that the use of e-commerce is the use of information and electronic communication technology by business people, individuals, or stakeholders to implement and manage key business processes so that they can provide benefits in the form of security, flexibility, integration, optimization, efficiency, increasing productivity and profitability.

2. Scope of PP No. 80 of 2019 concerning E-Commerce

Currently, electronic commerce has developed, allowing each party to carry out trading activities and transactions through an electronic communication system. In essence, policies and laws and regulations concerning trade, both conventionally and electronically, have the same goal, namely to carry out legal, honest commercial activities based on the principle of fair business competition and respect and protect consumer rights.⁷

Likewise, third parties (intermediaries) that are related, contribute technically to an activity or Trading transaction so that it can be done electronically. The cooperation between the related parties in the operation of the Electronic System for Trading transactions must be built on the spirit of mutually beneficial and responsible cooperation with the users of the system according to their respective functions and roles. As with conventional trading, the activities and transactions of trading through electronic systems must fulfill the aspects of trading obligations in general, especially the clarity of information, both subjective and objective elements. For this reason, it is necessary to clarify the validity of electronic transactions, both before the transaction, during the transaction and after the transaction.

Trade arrangements in general have been regulated in Law no. 7 of 2014 concerning Trade and on Trading Activities Through Electronic Systems is mandated to make further arrangements in Government Regulations that regulate electronic commerce activities in order to implement a fair and reliable trading system and protect national interests.⁸In contrast to Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, the Government Regulations concerning Trading Through Electronic Systems regulates the legal aspects of Trade in the operation and use of Electronic Systems specifically for Trade.

The scope of regulation in PP 80/2019 can be said to be quite broad, because it does not only focus on e-commerce transaction activities, but also covers the

⁷ Belly Riawan dan I Made Mahartayasa, "Perlindungan Konsumen dalam Kegiatan Transaksi Jual Beli Online di Indonesia", *Kertha Semaya Jurnal*, Vol. 03 No. 01, Januari 2015, p. 34.

⁸ Muhammad Khadafi. "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Ecommerce (Studi Kasus E-commerce Melalui Sosial Media Instagram)". *Jurnal Hukum Universitas Hidayadullah*, Vol. 5, No.3 Juni 2016, p. 20.

realm of personal data protection. For the record, at the time of issuance of PP 80/2019 there was no Law (UU) on Personal Data Protection but it was still in the discussion stage of the draft Law by the government.

Regulations in PP 80/2019 are not only related to buying and selling, but also include delivery mechanisms, payments, advertisements, electronic contracts, and others. The scope of regulation in this Government Regulation covers all trading activities carried out using various modes and types of electronic communication systems, both online and offline. This will include legal relations in the context between business actors (business to business) and business actors and consumers (business to customers). Thus, the approach in implementing PP 80/2019 needs to be carried out comprehensively because it involves many aspects, including: delivery systems, payment systems, electronic advertisements, electronic contracts, PSME requirements, personal data protection, dispute resolution, guidance and supervision.

3. Relevance of Government Regulation Number 80 of 2019 concerning E-commerce with Law Number 7 of 2014 concerning Trade

Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems is a rule for implementing the mandate of the provisions of Article 66 Law Number 7 of 2014 concerning Trade. Where inside Law Number 7 of 2014 concerning Trade, contained in chapter VIII of Trading Through Electronic Systems articles 65 and 66 reads:⁹

Article 65 :

1. Every Business Actor who trades Goods and/or Services using an electronic system is required to provide complete and correct data and/or information.
2. Every Business Actor is prohibited from trading Goods and/or Services by using an electronic system that is not in accordance with the data and/or information as referred to in paragraph (1).
3. The use of the electronic system as referred to in paragraph (1) must comply with the provisions stipulated in the Electronic Information and Transaction Law.
4. The data and/or information as referred to in paragraph (1) shall at least contain:
 - a. identity and legality of Business Actor as producer or Distribution Business Actor;
 - b. technical requirements of the goods offered;
 - c. technical requirements or qualifications of the Services offered;
 - d. the price and method of payment for the Goods and/or Services; and
 - e. method of delivery of goods.

⁹ Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems

5. In the event of a dispute related to a trade transaction through an electronic system, the person or business entity experiencing the dispute can resolve the dispute through the courts or through other dispute resolution mechanisms.
6. Every Business Actor who trades Goods and/or Services using an electronic system that does not provide complete and correct data and/or information as referred to in paragraph (1) is subject to administrative sanctions in the form of license revocation.

Article 66

Further provisions regarding Trade transactions through Electronic Systems shall be regulated by or based on Government Regulations.

Trading through electronic systems is currently regulated by Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems in which it regulates parties who carry out, requirements, implementation, obligations of business actors, advertisements, offers, receipts, confirmations, contracts, payments, delivery of goods, exchange of goods in Trading with Electronic Systems, protection of personal data, settlement of PMSE disputes to supervision and development of Trading Through Electronic Systems.

Thus, the Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems above is relevant to Law Number 7 of 2014 concerning Trade, because Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems does not conflict with Law Number 7 of 2014 concerning Trade, as well as Government Regulations concerning Trading Through Electronic Systems, were issued to encourage the sustainable development of e-commerce (electronic commerce or e-commerce) in the country. In addition, to increase trade in domestic products and encourage an increase in online exports.

So in line with the legal ladder theory (Stufentheorie), which was introduced by Hans Kelsen which states that the legal system is a rung system with tiered rules, the lowest legal norms must adhere to higher legal norms.

And in line with the Theory of Law as a tool of social engineering put forward by Roscoe Pound, which means law as a tool of renewal in society, in this term the law is expected to play a role in changing social values in society. So with the Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems, it is very felt and changes social values in society in terms of trading transaction activities through electronic systems. The presence of e-commerce has made it easier for people to market and promote goods or services, expand the reach of potential consumers with a broad market, simplify the sales and purchase process, make payments easier because it can be done online.

III. CONCLUSION

Based on the results of data analysis and discussion that the author has described, it can be concluded that as an answer to the existing problem formulation, the description is as follows: The relevance of Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems is already relevant to Law Number 7 of 2014 concerning Trade. This form of relevance is contained in Article 65 and Article 66 of Law Number 7 of 2014 concerning Trade. The trade law only regulates in general terms related to trading through electronic systems. Regarding more specific arrangements for trading through electronic systems, it is regulated in Government Regulation Number 80 of 2019 which regulates parties that carry out, requirements, implementation, obligations of business actors, advertisements, offers, receipts, confirmations, contracts, payments, delivery of goods, exchange of goods. in Trading with Electronic Systems, protection of personal data,

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