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Legal Reconstruction of Consumer Protection Law to Ensure Legal Certainty

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Abstract
The helplessness of consumers in dealing with producers is clearly detrimental to the interests of the people. In general, producers take refuge behind standard contracts or standard agreements that have been signed by both parties, namely between consumers and producers, or through pseudo-information provided by producers to consumers. This research aims to provide the concept of legal reconstruction in the Consumer Protection Law. Legal research methods used Normative legal research methods are legal research from an internal perspective with the object of research being legal norms. The role of the state in providing legal protection to consumers who are faced with fraudulent practices carried out by producers, namely providing policies or rules in the field of consumer protection depends on the existence of mechanisms to ensure the alignment of entrepreneurs' behavior with the legal norms that apply in each country, either in the form of laws and regulations or the determination of court decisions. The concept of legal reconstruction that must be provided by the Consumer Protection Law in order to provide legal certainty for consumers: Drafting clear and firm provisions; Alignment with International Standards; Preparation of an Effective Dispute Resolution Mechanism; Preparation of Clear Implementation Guidelines in the enforcement of consumer protection laws.
Keywords: *Legal Reconstruction; Legal Certainty; Consumer Protection.*

I. Introduction

Consumer protection laws today are getting attention in the community, this is because consumer protection is related to the welfare of people's lives, business actors have sama right to protection as the community as consumers do, and eac has responsibilities and rights of its own. The government plays a role, regulates, supervises, and controls, so that a conducive system is created that is interconnected with each other so that the goal of prospering the wider community will be achieved. Producers are forced to market and distribute their goods and service in the most efficient manner feasible in order to reach these extremely diverse and limitless consumers from a wide range of socioeconomic bacgrounds. For this reason, all approaches are sought so that they may cause various impacts, including circumstances that lead to illegal actions of producers. Other adverse impacts occur include concerns regarding the quality of an item, in addition to unclear and even misleading information, counterfeiting and so on.[1] This phenomenon puts the position of consumers towards producers to be unbalanced, where consumers become the object of business activity to reap large profits through promotional tips and sales methods that are detrimental to consumers. The helplessness of

[1] Sinaga, A.N , "Implementation of Consumer Protection in Indonesia", *Scientific Journal of Aerospace Law* Vol 5 no.2 (2015): 71-87, https://doi.org/10.35968/jh.v5i2.110

consumers in dealing with producers is clearly detrimental to the interests of the people. In general, producers take refuge behind *standard contracts* or standard agreements that have been signed by both parties, namely between consumers and producers, or through pseudo-information provided by producers to consumers.[2]

The safety scandal that occurred at Daihatsu Japan's automotive company in 2023 dragged several automotive companies in Indonesia under the auspices of Daihatsu Japan. The chronology of this scandal began in April 2023, when Daihatsu announced the fraud of the crash test certification procedure in Japan on vehicles intended for export. On April 28, 2023, Daihatsu admitted to cheating on the *side collision test of* a vehicle developed for the export market. Based on the report of the investigation results of the independent committee, it was found that Daihatsu workers who were responsible for conducting the tests were worried that there would be problems if the development and sales schedule were out of sync if the test results were expected to fail. Then the worker modified the manual of the prototype unit that was tested and differed from the specifications of the car produced, for example. The modifications include cutting the back of the front plastic door trim to prevent sharp corners when a collision occurs in order to pass the certification test. There are four (4) models involved in this scandal, namely:

1. Toyota Yaris ATIV produced in Thailand and Malaysia for the markets of Thailand, GCC, Mexico. Procedural violations occurred from March to April 2022;
2. Perodua Axia produced in Malaysia for the Malaysia market. The procedural violation occurred in September 2022;
3. Toyota Agya produced in Indonesia for the Ecuador market. The procedural violation occurred in September 2022;
4. One model is still under development. The procedural violation occurred in April 2023.

Not only the above, in May 2023 Daihatsu made another announcement to cheat on the certification process for the pole *side collision test* on the Daihatsu Rocky HEV (*Hybrid Electric Vehicle*) and Toyota Raize HEV. According to the explanation of the independent committee, this test was supposed to be conducted on the right and left sides of the test car. In July 2021, the test was carried out with witnesses on the passenger side (left) but not on the driver's side (right). At that time, it was said that there was no time left for the vehicle to be tested again, so the Daihatsu workers who were responsible for preparing the test report entered the data of the test results on the left side the same as the right side. The goal is for vehicles to quickly pass test certification. Meanwhile, in Indonesia, there are two factories, namely Toyota Motor Manufacturing Indonesia (TMMIN) and Astra Daihatsu Motor (ADM), involved in this scandal. There are seven models produced by the two factories included in the list of models involved in fraud.[3]

The fraud scandals that occurred above often occur in the business world, it is part of unfair competition that spurs business actors to produce goods or services with minimal production costs so that they can generate maximum profits. Often this is justified in the business world as long as it does not violate applicable ethics and laws. However, in reality, not a few fraudulent business practices carried out by business actors lead to criminal acts and harm consumers.

Based on Article 7 of Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Law), it states that one of the obligations of business actors is to guarantee the quality of goods and/or services produced and/or traded in accordance with the provisions of the applicable quality standards of goods and/or services; to give accurate, transparent, and honest information about the state and guarantee of goods and/or services; and to explain now to use, repair, and maintain them; compensate, indemnify and/or reimburse for losses due to the use,

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[2] Zulham, *Consumer Protection Law Revised Edition* (Jakarta;Kencana, 2016), 1.

[3] CNN Indonesia, 01/2024*Chronology of the Daihatsu Japan Scandal to Drag the Avanza Made by Indonesia,* Available from https://www.cnnindonesia.com/otomotif/20231221001314-579-1039936/kronologi-skandal-daihatsu-jepang-sampai-seret-avanza-buatan-indonesia (accessed: January 28, 2024)

use and utilization of goods and/or services traded. Furthermore, Articles 8 to 17 of the Consumer Protection Law regulate the provisions of prohibited acts for business actors. Article 19 regulates the application of criminal sanctions if business actors commit violations. However, based on Article 27 (a) of the Consumer Protection Law, business actors who produce goods are exempt from liability for losses suffered by consumers, if the goods are proven not to be circulated or not intended to be distributed. The phrase in the article certainly provides legal uncertainty to consumers, who already use goods produced by Daihatsu Japan.

The birth of the Consumer Protection Law should provide legal certainty for consumers. Consumer protection is all efforts that ensure legal certainty to provide protection to consumers (Article 1 paragraph (1) of the Consumer Protection Law), this definition is in line with the definition of consumers, namely "every person who uses goods and/or services available in society, both for the benefit of themselves, their families, other people and other living beings and not for trading". In the meantime, business actors are any person or organization, whether legal or not, that is created, resides in, or conducts business within the borders of the Republic of Indonesia, either independently or in addition to manufacturers who produce goods and/or services. However, in the Daihatsu Japan scandal and associated with the phrase Article 27 (a) of the Consumer Protection Law, it can be stated that there are vague norms in the statement of the article in question, thus causing legal uncertainty for Indonesia consumers.

Based on the legal issues that have been presented previously in this article. There are 2 (two) problem formulations discussed in this article. (1) What is the role of the State in providing legal protection to consumers who are faced with fraudulent practices committed by producers?; (2) What is the concept of legal reconstruction that must be provided by the Consumer Protection Law in order to provide legal certainty for consumers?

In relation to the research in this article, the author has conducted a search through electronic media and libraries with the aim of finding out whether there has been previous research that researches legal issues as the subject of this article research. Based on the author's search of various scientific papers, several writings were found that discussed consumer protection related to automotive manufacturers from Japan. The article entitled "Indonesia's Position in the Midst of the Global Corporate Phenomenon (Case Study: Indonesia-Toyota Trade Relations After the IJEPA Agreement), this article was published in 2017 in the journal Indonesian Perspective. This study discusses the level of Indonesia's economic dependence on the Toyota company affecting economic diplomacy through IJEPA. The results of this article's research show that Indonesia is experiencing very high economic dependence in the economic sector, through the Toyota company. The next research was published in 2023 and is a dissertation by students of the Islamic University of Indonesia entitled "A Review of Islamic Economics on Refund Income at Automotive Companies (PT Astra International-Tbk Daihatsu) Yogyakarta". This study examines the stability aspect of car sellers so that they are more stable in carrying out their business without having to change other professions, while the automotive business must also be mastered by Muslims. Departing from the results of the search, none of the papers above discuss the same legal issues as the legal issues that are the subject of this study.

II. Legal Materials and Research Method

A normative legal research method is employed in the legal research. The normative legal research method is legal research from an internal perspective with the object of research being legal norms.[4] The research approach used is a legislative approach, a conceptual approach, and a Legal Rule History Approach. The sources of legal materials used in this study are primary, secondary and tertiary legal materials. Following the collection of legal documents, an analysis is conducted to produce the concluding argument, which takes the shape of response to the research question.

[4] Pasek Diantha , *Normative Legal Research Methodology*, (Jakarta:Kencana, 2017), 12.

III. Results and Discussion

Consumer Legal Protection against Fraudulent Producer Behavior

Rapid economic development has resulted in various types and variations of each type of goods and/or services that can be consumed. These goods or services are generally similar goods/services or that are complementary to one another. With so many types of products and with the support of information technology advancements, resulting in the flow of goods/services transactions across the territorial boundaries of a country. So that consumers are faced with various variants of goods/services, both local brands and brands from abroad. The effect of globalization is very beneficial to consumers. But it also has a negative effect, this era of globalization can lead to an imbalance in the power between customers and business players, placing the latter in a vulnerable position. Businesses use promotions, sales techniques, and the execution of standard agreements that negatively impact consumers in order to maximize profits at the expense of their customers.[5]

Consumer protection is a consequence and part of technological and industrial advancement. Therefore, consumer protection has a close relationship with economic globalization. Economic globalization has the consequence that all goods and/or services originating from other countries can enter Indonesia. For this reason, consumer protection is not only against low-quality goods, but also against goods that can harm consumers. So that the consumer's decision to buy a good/service, or not to buy at all, is a consumer response to the available goods/services. Every company should have corporate *social responsibility*, which is the company's concern and moral commitment to the interests of the community, regardless of the company's profit and loss calculation. In essence, corporate social responsibility to consumers is the interest of the company itself in order to seize public trust which aims to increase the number of enthusiasts for the products produced.[6]

The legal issues that occur today, many consumers are harmed by producers. Not only the Daihatsu Japan fraud case. In early 2024, Japan's *Toyota Motor Corporation* (TMC) has detailed the car models involved in the diesel engine certification irregularities scandal. Two popular models in Indonesia, Toyota Fortuner and Innova diesel were also dragged. The investigation found that there were anomalies found during the certification of three diesel engine models horsepower output tests for cars that Toyota assigned to TICO. Toyota acknowledged that during certification testing, the performance *of the engine's horsepower output* was measured using an ECU with different software than that used for missile production. The diesel engine affected by the certification test is the 1GD series which is embedded in the Toyota Fortuner, produced by *Toyota Motor Manufacturing Indonesia* (TMMIN) in May 2020. Then the engine with the 2GD series, which is embedded in the Toyota Innova produced in July 2020.[7]

The two legal issues above describe the actions of goods producers in committing fraud that results in losses to consumers. The Consumer Protection Law in Indonesia, which was enacted on April 20, 1999, is not without strong reasons, because it is undeniable that more than half a century after Indonesia's independence, the national economic system still puts the position of consumers in a worrying situation. Therefore, the Consumer Protection Law aims to provide protection for consumers against arbitrary actions from business actors who tend not to care about the principles in producing quality goods/services. The Consumer Protection Law is in line with the purpose of the State of Indonesia as stated in the preamble to the 1945 Constitution, which is to protect the entire Indonesia nation, which means also protecting consumers.[8]

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[5] Simanjutak, H.A, "Liability of Business Actors for Fraudulent Acts that Harm Consumer Rights", *Jurnal Justiqa*, vol.4 no.2 (2022): 29-35, http://dx.doi.org/10.36764/justiqa.v4i2.775

[6] Zulham, *Ibid*.3-4

[7] CNN Indonesia 02/2024, *"Fortuner-Innova Involved in Diesel Engine Scandal, Toyota Boss Apologizes"*, Accessed:February 13 2024, Available at https://www.cnnindonesia.com/otomotif/20240201122428-587-1057130/fortuner-innova-terlibat-skandal-mesin-diesel-bos-toyota-minta-maaf,

[8] Abd. Haris Hamid, *Hukum Perlindungan Konsumen Indonesia*, (Makasar:Sah Media,2017),2-3

However, the Consumer Protection Law does not regulate law enforcement or the filing of consumer lawsuits, if the person who commits the fraud is a cross-country producer (importer). The mechanism for filing a lawsuit is regulated in Article 45 of the Consumer Protection Law which states, "any aggrieved consumer can sue the business actor through a consumer settlement institution or the general court; dispute resolution can be pursued through litigation or non-litigation channels and does not eliminate criminal liability". The statement of Article 45 can be interpreted as there must be a lawsuit from consumers who are harmed due to the use of goods/services produced by producers/business actors. Business actors are obliged to provide compensation for damage, pollution, and/or consumer losses due to consuming goods and/or services produced or traded (Ps 19). However, based on Article 21 paragraph (1) states, the importer of goods is responsible as the maker of imported goods if the importation of the goods is not carried out by agents or representatives of foreign producers, then Article 27 (a) of the Consumer Protection Law emphasizes that business actors who produce goods are exempt from responsibility for losses suffered by consumers if it is known that the goods produced are indeed not suitable for distribution. Based on the second statement (2) of the article, it can be interpreted that cross-border business actors cannot be sanctioned for their actions that commit fraudulent practices, even if consumers want to sue based on Article 21 paragraph (1), then the sued is an agent or representative of a foreign producer.

According to economists Mark Stecbeck and Peter J. Boettke, the government often ignores the desire of entrepreneurs to find ways to fix problems due to the era of globalization/market transition.[9] In several countries, including Indonesia, have implemented a law enforcement system against fraudulent practices carried out by producers, so consumer protection law enforcement must be given legal certainty for consumer safety. According to Collin Scot in the results of his research entitled "*Enforcing Consumer Protection Laws*", the implementation of policies in the field of consumer protection depends on the existence of mechanisms to ensure the alignment of entrepreneurs' behavior with applicable legal norms, either in the form of laws and regulations or the determination of court decisions.[10] Consumer protection refers to legal protection. Consumer protection is a legal principle and rule that regulates the relationships and problems faced by various parties related to the goods/services consumed.[11]

The United States has consumer protection law enforcement agencies, namely *The Federal Trade Commission* established in 1914 and *The Consumer Product Safety Commission* established in 1972 which have the authority to monitor the market and establish government regulations related to trade, these two agencies are government agencies. In Japan, there is the *Japan Fair Trade Commission* (Government Agency) which is very concerned with the enforcement of business competition laws.[12]

The United States, with its capitalist economic system or free business competition, has a unique concept of consumer protection. This country implements the concept of consumer protection, namely "*How Internet Solves Information Problems*", they believe that with the application of highly sophisticated information technology, it better guarantees the welfare of consumers with opportunities to innovate and compete rather than regulations. The internet is very helpful for entrepreneurs to achieve some things that regulations can't reach. The internet is able to provide consumer reviews of a product, if the reviews are bad or good, it has a great impact on the manufacturer. According to David D Friedman, reputation enforcement, works

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[9] Koopman,c, Mitchel Mattew, Thierer Adam , "The Sharing Economy and Consumer Protection Regulation: The Case for Pilicy Change", *The Journal of Business, Entrepreneurship & the law*, vol.8 no.2 (2015): 530-545, https://heinonline.org/HOL/LandingPage?handle=hein.journals/jbelw8&div=18&id=&page=

[10] Scot, Collin, "Enforcing Consumer Protection Laws", *Research Respository UCD*;. No.466 (2018),10.4337/9781849806312.00023

[11] Hendri Agustiawan, et all , "The Importance of Consumer Protection Law Revision in the Development of E-Commerce in the Digital Transformation Era in Indonesia, Proceeding of Islamic Economics", *Business, and Philanthropy* vol.1 no.2 (2022): 306-317, https://jurnalfebi.iainkediri.ac.id/index.php/proceedings/article/download/249/191/789

[12] Scot, Collin, *Op,cit*,h.8

by spreading truth about entrepreneurs' misbehavior, so that consumers begin to consider their actions on that information.[13] Nevertheless, the United States has the FTC (*Federal Trade Commission)* agency which is the main agency that provides consumer protection. The FTC's authority as a law enforcer is limited to fraud disputes, deceptive advertising and consumer privacy violations. The main purpose of the establishment of this institution is to maintain competition, exchange accurate and non-misleading information; protect consumers from fraudulent actions of manufacturers. The authority is regulated in Section 5 *of the Federal Trade Commission Act*, the form of enforcement that the FTC conducts includes the implementation of a comprehensive privacy and security program; a two-year assessment by independent experts, damages to consumers, deletion of illegally obtained consumer information.[14] The procedure for filing a consumer lawsuit against a manufacturer who commits fraud can be carried out in two ways, litigation and non-litigation, regulated in the *Federal Trade Commission Act*, where the filing of a lawsuit is still filed by the aggrieved consumer to the FCT, the complaint can be filed in writing, orally, by telephone, electronically or through other adequate means (Article 99), then it will be processed by the FCT. However, there is something interesting, which is regulated in the *Federal Trade Commission Act* based on *Chapter XIII Procedures, First Section Common Provisions* of Article 103 states that the representative of the producer in the region is obliged to submit a claim for compensation to the producer within 15 days after the date the claim is decided, if the manufacturer does not have a representative office, the producer is obliged to inform the address where the claim is filed (Ps.100). In the *Federal Trade Commission Act, Chapter XIV Penalties (articles 125-134)* expressly states the nominal fine that must be paid by the defendant, in this case the manufacturer or agent in accordance with the decision given by the FCT which is adjusted to the violation committed by the manufacturer or agent. In addition, Ps.128 regulates sanctions that prohibit the marketing of problematic goods or products. FCT can also destroy items that are determined to be problematic. Ps.130 states that if the manufacturer/agent commits the same violation, it will be subject to a double fine according to the provisions of the law.

Japan has a consumer protection law known as the *Act on Prohibition of Private Monopolization and Maintenance of Fair Trade* which was enacted in July 1947. The purpose of this law is to promote democratic and healthy national economic development and to guarantee the interests of consumers by prioritizing fair and free competition without monopolies, fraudulent bidding, and unfair trade practices. The agency that enforces consumer protection laws in Japan is called *the Japan Fair Trade Commission* (JFTC), which supervises market competition and business activities to prevent monopolistic practices. JFTC consists of a chairman and 4 commissioners. These members are appointed from among legal or economic experts by the prime minister with parliamentary approval.[15]

The form of consumer protection carried out by Japan against fraudulent behavior of producers is regulated in Ps. 24 Chapter 7 *of the Injunctions and Damage Act on Prohibition of Private Monopolization and Maintenance of Fair Trade* which states that "a person who feels that his interests are harmed under Ps.8, point (v) or Ps.19 has the right to seek compensation from the company or trade association in question". Ps 19 *Act on Prohibition of Private Monopolization and Maintenance of Fair Trade* itself regulates that companies are not allowed to use fraudulent trading practices. This law regulates the submission of a lawsuit to the JFTC and the JFTC decision is *Final and Binding* (Ps.83), but this law does not provide legal certainty if the entrepreneur violates Ps. 19 in contrast to other violations, where the sanctions of fines and criminal penalties are clearly regulated in this law.

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[13] Koopman,c, Mitchel Mattew, Thierer Adam, *Ibid*

[14] Shawn Marie Boyne , "Data Protection in The United States", *The American Journal of Comparative Law*, Vol. 66 (2018); 299-343, https://doi.org/10.1093/ajcl/avy016

[15] Japan Fair Trade Commision, *For Fair and Free Market Competition*, (Japan:Japan Fair Trade Commision, 2020), 2-4

There is no uniform consumer legal code in Japan. Specific rules on consumer protection are regulated in a number of separate laws. For example, there are laws governing business in certain industrial sectors (e.g., the Certain Commercial Transactions Act (*tokutei-shotorihiki-hou*) ("ASCT") and the Installment Sales Act (*kappuhanbai-hou*)), as well as specific laws in the Civil Code (e.g., the Consumer Contract Act (*shohisha-keiyaku-hou*) and the Product Liability Act (*seizobutsu-sekinin-hou*))[16]

Reconstruction of the Consumer Protection Law as an effort to realize legal certainty for consumers

Regarding consumer protection, a country is required to have a legal rule that can be enforced nationally. Consumers need state intervention to influence supplier behavior. This is because consumers do not have enough power to protect themselves. The preparation of legal rules is required to be able to adapt to the needs of the times and be able to balance the interests of the parties. The Consumer Protection Law currently in force in Indonesia should provide a guarantee of legal certainty. The Consumer Protection Law regulates two aspects, namely (1) protection against the possibility that goods handed over to consumers are not in accordance with what has been agreed; (2) protection against the imposition of unfair conditions to consumers.[17] However, since the Consumer Protection Law was declared effective on April 20, 2000 until now, the enforcement of the Consumer Protection Law is still facing various problems caused by many factors. Some of these factors include errors, shortcomings and weaknesses in the regulation in the Consumer Protection Law itself, which are related to (1) legal grammar, (2) legal systematics, (3) responsibilities of business actors, (4) consumer dispute resolution and (5) institutions. Based on these factors, it is very necessary to make changes with the aim of improving the Consumer Protection Law.[18]

The reconstruction in the great dictionary of Indonesian (KBBI) is a return to the original; the rearrangement (depiction) is a reconstruction.[19] Law is an order of human action. Order is a system of regulations. A law is not, as it is sometimes said, a rule. A law is a set of rules that contains a kind of unity that we understand through a system.[20] It can be stated that legal reconstruction is a rearrangement of a set of regulations so that it can be understood as a legal system with the aim of certainty, usefulness and justice.

As explained earlier in this article, there are several weaknesses in several articles/paragraphs in the Consumer Protection Law related to this research, namely:

1. Article 27 (a) of the Consumer Protection Law, does not provide legal certainty for consumers who have suffered losses to goods produced by cross-country producers.
2. The Consumer Protection Law does not provide legal certainty regarding the filing of lawsuits, if the perpetrator of the fraud is a cross-border business actor (Ps.45 jo Ps.19), here the mechanism for filing the lawsuit in question is not explained
3. Article 21 paragraph (1) can be stated as a vague norm because it states that the importer of goods is responsible as the maker of imported goods if the importation of the goods is not carried out by agents or representatives of foreign producers.

From these articles, it can be interpreted that the responsible person if the consumer suffers losses is the importer and not the business actor. The definition of importer is not clearly

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[16] Marcel Eka Surya Simanjuntak , "Perbandingan Perlindungan Hukum Konsumen dan Penyelesaian Sengketa Cross Border E-Commerce", *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* Vol.7 no.3 (2023); 2033-2040, 10.58258/jisip.v7i1.5144/http://ejournal.mandalanursa.org/index.php/JISIP/index

[17] Alfina Maharani. Adnand Darya Dzikra , "The Function of Consumer Protection and the Role of Consumer Protection Institutions in Indonesia: Protection, Consumers and Business Actors (Literature Review)", *Journal of Information System Management Economics* Vol2 no.6 (2021), 659-666, https://doi.org/10.31933/jemsi.v2i6.607

[18] Rinitami Njatrijani, "Posisi Undang-Undang Perlindungan Konsumen Nomor 8 Tahun 1999 dalam Upaya Perlindungan Terhadap Konsumen", *Diponegoro Private Law Review* Vol.1 no.1 (2017), 23-35, https://ejournal2.undip.ac.id/index.php/dplr/article/view/1935

[19] Suharso and Ana Retnoningsih , *The Great Dictionary of Indonesian Language,* (Semarang:Widya Karya, 2017),418

[20] Hans Kelsen , *General Theory of Law and State*, (bandung:Nusa Media, 2018),3

described in the Consumer Protection Law, but in the explanation of article after article, importers are categorized as business actors. Meanwhile, the definition of a business actor (Ps.1 number (3) is any individual or business entity, both in the form of a legal entity or a non-legal entity that is established and domiciled or carries out activities within the territory of the Republic of Indonesia, either alone or jointly through an agreement to carry out business activities in various economic fields. Importers according to KBBI are traders, partners and so on, who obtain and supply goods from abroad.[21] From the definition of business actors or importers, there is actually a difference, where business actors are producers while importers are distributors who send goods from abroad to the recipient country. And not necessarily producers become distributors and vice versa.

Hans Kelsen in Pure Law Theory stated that the formation of law must be free from factors / elements outside itself such as psychology, sociology, history, politics, meaning that law must have legal certainty and good law is a law that is free from interpretation.[22] The law aims to provide justice, benefits and certainty. Legal certainty refers to the application of a clear, fixed and consistent law whose implementation cannot be influenced by subjective circumstances.[23] To provide legal certainty, a reconstruction of the Consumer Protection Law is needed.

Legal Reconstruction that needs to be carried out in accordance with the formulation of the problem in this writing. In terms of updating consumer protection laws:

1. Drafting clear and unambiguous provisions: in the reconstruction process, ensure that the provisions of the Consumer Protection Law are formulated in clear, unequivocal and widely understandable language. This will help minimize diverse interpretations and ensure legal clarity.
2. Based on the analysis conducted on the Consumer Protection Law, the provision of safe products and services (Ps 8), the clause in the provisions that regulate products and services can be stated to be multi-interpreted regarding the provisions of net weight, netto, etc. as the condition of safe products and services is not clearly regulated. Prohibited acts for business actors (Ps 9), the concept of prohibited acts for business actors has various interpretations depending on the context. This can cause uncertainty in determining whether an action of a business actor is prohibited or not. Provisions on the responsibility of business actors (Ps 11 letter b) The responsibility of business actors to consumers in various specific situations, such as liability for damage to product defects, can also be interpreted differently.
3. Alignment with International Standards: Ensuring that Consumer Protection Laws are in line with relevant international standards and widely recognized consumer protection principles. This can increase legal certainty and provide a strong foundation for consumer protection.
4. Establishment of Effective Dispute Resolution Mechanisms: Strengthen effective and efficient consumer dispute resolution mechanisms, both through legal channels and alternative mechanisms such as mediation or arbitration. This will provide assurance for consumers that they can resolve the issue fairly and quickly (Ps 45-63)
5. Preparation of Clear Implementation Guidelines in the enforcement of consumer protection laws: Include clear and detailed implementation guidelines to assist parties involved in implementing the Consumer Protection Law. These guidelines can provide

[21] Suharso and Ana Retnoningsih, *Op.cit*, 79

[22] Putera Astomo , Comparison of Hans Kelsen's Thought on Law with Satjipto Rahardjo's Idea of Progressive Law Based on Legal Theory, *Yustisia, 90th edition* (2014), 5-14, https://jurnal.uns.ac.id/yustisia/article/download/28720/20092#:~:text=Hans%20Kelsen%20menjelaskan%20bahwa%20pembentukan,Hukum%20Murni%20oleh%20Hans%20Kelsen.

[23] Putu Eka Pitriyantini and Ni Luh Gede Astariyani, "Consequences of Non-compliance with the Constitutional Court Decision in Judicial Review of the UUD 1945", *Udayana Master Law Journal* vol. 10 no.4 (2021):702-713, https://doi.org/10.24843/JMHU.2021.v10.i04.p04

practical guidance for business actors, consumers, and law enforcement in implementing the provisions of the law consistently. (ps 50-63)

By reconstructing the law of the Consumer Protection Law by paying attention to the steps above, it is hoped that it can ensure legal certainty for all parties involved, both consumers and business actors, so that consumer protection can run effectively and efficiently.

IV. Conclusion and Recommendations

(1) The role of the state in providing legal protection to consumers who are faced with fraudulent practices carried out by producers, namely providing policies or rules in the field of consumer protection depends on the existence of mechanisms to ensure the alignment of entrepreneurs' behavior with the legal norms that apply in each country, either in the form of laws and regulations or the determination of court decisions. Indonesia (Law No. 8 of 1999); United States (*Federal Trade Commission Act);* Japan (*Injunctions and Damage Act on Prohibition of Private Monopolization and Maintenance of Fair Trade)*

(2) The concept of legal reconstruction that must be provided by the Consumer Protection Law in order to provide legal certainty for consumers:

- Drafting clear and firm provisions
- Alignment with International Standards
- Preparation of an Effective Dispute Resolution Mechanism
- Preparation of Clear Implementation Guidelines in Consumer Protection Law Enforcement

Based on the conclusions above, several recommendations can be proposed to strengthen consumer protection frameworks in a comparative perspective.

First, the state must reinforce its regulatory and supervisory functions to ensure that legal norms are not merely declarative but effectively implemented. In Indonesia, the enforcement of Law No. 8 of 1999 should be strengthened through clearer supervisory authority, improved institutional coordination, and stricter sanctions against fraudulent producers. Learning from the United States under the Federal Trade Commission Act, Indonesia can enhance the role of independent supervisory agencies with broader investigative and enforcement powers. Likewise, Japan’s approach under the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade demonstrates the importance of combining administrative sanctions with civil remedies to ensure fair market competition and consumer protection. Therefore, comparative legal harmonization and the adoption of best practices from these jurisdictions are strongly recommended.

Second, legal reconstruction of consumer protection law must focus on improving legal certainty and practical enforceability. Clear and firm provisions should be drafted to eliminate vague norms that create multiple interpretations. Harmonization with international standards is also essential, particularly in the era of digital trade and cross-border transactions. Furthermore, an effective dispute resolution mechanism must be institutionalized, including accessible, low-cost, and time-efficient procedures such as mediation, arbitration, or specialized consumer courts. Lastly, detailed and operational implementation guidelines should be prepared to ensure consistent law enforcement by regulators, courts, and supervisory bodies.

Through these measures, the state can create a balanced legal system that not only protects consumers from fraudulent practices but also ensures fair competition and sustainable economic development.

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