
LEGAL PROTECTION FOR E-COMMERCE BUSINESSES AGAINST CONSUMER REVIEWS

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ABSTRACT

In e-commerce, customer reviews play an important role in influencing the decisions made by customers. Before making a purchase, many people read positive customer reviews because they can offer useful information to potential buyers and increase their overall level of trust in the product. Positive customer reviews also help a store look more credible. However, what happens to business actors is not as expected, so consumers act in bad faith by making bad judgments in marketplace product reviews. The purpose of this study is to analyze the good faith of business actors and how it impacts the law established by the Consumer Protection Law. This study uses a normative legal research study whose findings show that consumers are not liable for criticism that harms business entities, in accordance with the Consumer Protection Law (UUPK). In particular, Article 5a requires consumers to pay special attention to product descriptions listed in stores.

INTRODUCTION

E-commerce has emerged as one of the most favored and successful commercial systems in the digital age. E-commerce has enabled companies to make wider and more flexible purchasing transactions by acting as an intermediary through the internet. It also allows customers to purchase goods and services from various locations without having to leave their homes (Sugesti et al., 2020).

Due to the ever-evolving information and communication technology, a large number of businesses in the commercial sector are now able to facilitate online transactions through the creation of marketplace websites or applications. There are many options available for people to conduct online buying and selling transactions from several marketplaces (Dewi, 2015).

It is important to provide legal protection to good faith businesses for several reasons, one of which is to foster a conducive business environment. Consumer confidence will increase when businesses feel legally protected and are more likely to conduct their operations ethically and in accordance with the law (Nainggolan, 2021). Consumers will be more confident and comfortable doing business with companies that promise to behave honorably and recognizing the dynamic and competitive marketplace, fair legal protection will encourage the development

of a robust and competitive marketplace where businesses compete sensibly and do not harm customers (Anggraini et al., 2020).

Businesses have obligations in E-commerce transactions under the Electronic Information and Transaction Law (UUITE) and the Consumer Protection Law (UUPK) (Ikhsan, 2022). If the customer finds products and/or services that are not in accordance with the applicable regulations, the business actor must be responsible for the losses suffered by the customer. In addition, business actors who conduct transactions through E-commerce have received sufficient legal protection from the Consumer Protection Law (UUPK) (Tampubolon, 2016).

Nonetheless, there are still some practical obstacles to legal protection for good faith business actors, among others: Lack of knowledge of the law: Many businesses are vulnerable to violations and ineffective enforcement because they do not fully understand their rights and obligations under the GCPL: GCPL is still not well enforced, which means that offending businesses escape harsh penalties and face a convoluted legal system: For businesses seeking legal certainty, the judicial process associated with consumer protection claims is often complex and time-consuming (Kurniawan et al., 2022).

Where this becomes challenging for businesses is when they suffer from the actions of customers who leave negative reviews and ratings. These reviews and ratings are obviously very detrimental to businesses as they result in inappropriate reviews and ratings for their store, which lowers sales as it erodes the confidence of other potential customers who might otherwise purchase from the marketplace. Furthermore, Indonesians are relatively unfamiliar with incidents involving unfavorable reviews (Saragih & Bagaskara, 2023).

The purpose of this study is to analyze the good faith of business actors and how it impacts the law stipulated by the Consumer Protection Law.

Therefore, the following initiatives should be taken to strengthen legal protection for good faith business actors: Increase the socialization and education of UUPK: In addition to strengthening law enforcement, the government must also increase education and socialization of the UUPK to business actors and the wider community: Clarify guidelines and penalties, improve the ability of law enforcement personnel, and streamline the legal system. All are necessary to improve law enforcement's ability to combat violations of UUPK: Simplifying procedures and speeding up case resolution are necessary means to facilitate legal proceedings relating to consumer protection issues. The main concern, given the above-mentioned phenomenon, is how businesses that suffer losses due to bad faith consumers can be legally protected.

RESEARCH METHODS

The subject matter studied, the author uses normative juridical legal research methods (normative legal research methods). The normative juridical research method is a library legal research conducted by examining library materials or secondary data only. Normative juridical research aims to examine and analyze legal norms related to legal protection of e-commerce business actors in good faith. By using the deductive thinking method (a way of thinking in drawing conclusions drawn from something general in nature that has been proven to be true and the conclusion is intended for something specific) (Wulandari, 2018).

Thus the object analyzed with a qualitative approach is a research method that refers to the legal norms contained in the legislation.

RESULTS AND DISCUSSION

Legislation, including GCPL and Civil Code, is categorized as civil law according to the author's analysis because the majority of its rules regulate the private sphere and only apply to parties involved in a dispute, so it should be used by business actors as a first step before turning to criminal law as the last means of resolving disputes (*ultimum remedium*).

Although there have been recent examples of problems caused by consumers that negatively affect businesses, such as situations where customers give negative ratings and reviews on products they bought or sold through these marketplaces, the application of the principle of legal equality in Indonesia, which is a country of laws, is still lacking. This is based on the many regulations that protect consumers more than businesses, such as the Consumer Protection Law.

Based on actual research findings from several marketplaces, the data shows a number of phenomena related to negative customer reviews. Ideally, a customer assesses and reviews a product according to the quality of the goods they buy and the services provided by the store, not the other way around. This is because it is very detrimental to business actors when customers give negative reviews without providing clear explanations or not in accordance with existing facts, which is detrimental to business actors (Catriana, 2022).

Providing negative ratings and reviews in the circumstances described in the background above is not acting in good faith. The author argues that consumers have violated the principle of good faith by doing so without providing reasonable justification and encouraging dishonest behavior that is not done in good faith. Business actors who want to sell well and honestly (in good faith) will be harmed if this is allowed to continue, therefore business actors need legal protection (Online, 2023).

Because in essence, both consumers and business actors have agreed to buy and sell, and both have achieved their respective goals: consumers have ordered, paid, and received goods in online buying and selling transactions through the marketplace, and business actors have delivered goods in good condition and provided maximum service to consumers. However, in online transactions through the marketplace, there are still other things that consumers should fulfill properly and optimally, such as providing reviews as a form of gratitude or as suggestions and criticism to the seller. However, consumers are considered to have taken dishonest actions that are misleading, giving rise to accusations that they are not being honest when giving reviews. This happens when customers do not use their rights honestly to provide reviews that are in accordance with the store's services and the condition of the goods they buy (Kasim, 2022).

According to the author's analysis, the customer has not only violated the principle of good faith by giving a false review, but has also committed an unlawful act (*onrechmatige daad*). This is supported by the opinions of legal experts in the theoretical framework mentioned above and by the existence of Article 1365 which stipulates that when consumers commit unlawful acts and cause losses to business actors, then business actors must be responsible for these losses, namely by compensating for these losses.

Because this review issue is still relatively new and not often discussed, marketplaces offer a first line of defense in the event of inappropriate negative reviews: businesses can respond to customer reviews to show that the seller is taking the issue seriously. If the customer does not change their evaluation after taking this step, marketplace reviews show that there are methods to eliminate negative reviews. Businesses only need to contact customer support to submit a review. The business must then seek approval from the customer before removing the review; only then can the review be removed.

As such, the procedures followed in the industry to resolve these review issues are still quite complicated and challenging. As a result, businesses have the right to express their rights as they are protected by GCPL and can do so even if the marketplace does not offer clear and robust services or features in terms of protection.

According to the author's analysis and opinion, there are still many legal loopholes in the consumer protection law because of the unclear articles in the GCPL, especially Article 6 letter B, whether business actors have the right to report to BPSK if they are harmed by consumers. It is also mentioned that business actors have rights if they are harmed by consumers who are not in good faith, but it is not clear how these rights will be implemented and where these rights will be protected.

This is because there is no clause in GCPL that authorizes businesses to file a complaint with the Consumer Dispute Settlement Body or the general court if their consumers harm them. The GCPL must be revised as a result of the growing number of current issues affecting businesses as a result of consumer behavior.

CONCLUSIONS

E-commerce in the business world is the use of the latest technology such as the internet to facilitate business activities, can get several benefits such as customer service and facilitate access to information much faster. If a business actor is given a negative review from a consumer that does not match the facts so that it causes harm to the business actor, the legal protection for the business actor will be analyzed based on a positive legal perspective.

Online shop operators are entitled to legal protection if the buyer does not act in good faith, which should be a requirement. Regarding the consumer's bad faith, the consumer is responsible for paying back the amount equivalent to the loss incurred by the business, terminating the contract, reimbursing the risk, and bearing the burden of litigation if the matter needs to be taken to court.

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