

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 research discusses the relevance of Government Regulation Number 80 of 2019 concerning Electronic Commerce with Law Number 7 of 2014 concerning Trade through normative and empirical juridical approaches. The research uses primary and secondary data obtained from literature study. The research results show that Government Regulation Number 80 of 2019 is relevant to Law Number 7 of 2014 because there are no conflicting norms in it. Government Regulation Number 80 of 2019 regulates more specifically regarding implementing parties, requirements, implementation, obligations of business actors, advertising, offers, acceptance, confirmation, contracts, payments, delivery of goods, and exchange of goods in trading using electronic systems. Apart from that, this regulation also covers aspects of personal data protection, PMSE dispute resolution, and supervision and guidance of trade through electronic systems. All of these regulations aim to implement a trading system that is fair, trustworthy and protects national interests.

Keywords: Electronic Commerce, Regulatory Relevance, Trading Laws.

1. Introduction

Information technology brings convenience and speed to various aspects of life at affordable costs, especially in e-commerce which uses different systems and methods from conventional trading (Rahmanto, TY, 2019). Society is now very dependent on information technology, including in trading activities (Setiawan, AB, 2018). Trading via electronic systems or e-commerce has facilitated global trade activities (Pariadi, D, 2018).

General regulations regarding trade have been regulated in Trade Law no. 7 of 2014 (Pangestu, Y., 2021). Specifically for trading via electronic systems, it is mandated to make further regulations in Government Regulations. This aims to implement a trading system that is fair, trustworthy and protects national interests (Pariadi, Y., 2018).

Government Regulation Number 80 of 2019 concerning Trading via Electronic Systems is the implementation of Article 66 of Trade Law No. 7 of 2014. The signing of this PP by President Joko Widodo on 20 November 2019, confirmed that electronic trading regulations are in accordance with the provisions of the Trade Law. This is contained in chapter VIII article 65 and article 66 of the Trade Law.

Although trade policies and regulations, both conventional and electronic, have the same goals, namely legal and honest commercial activities, as well as the principles of healthy business competition and protection of consumer rights, this research will focus on the relevance of Government Regulation Number 80 of 2019 concerning e-commerce with Law Number 7 of 2014 concerning trade. The research method used is a

normative and empirical juridical approach with primary and secondary data from literature studies.

2. Literature Review

E-commerce, or electronic commerce, has become an integral part of digital transformation and the development of information technology (Hendarsyah, D., 2019). In Indonesia, e-commerce growth is increasingly rapid, driven by increasingly widespread internet penetration and increased use of mobile devices (Kondo, M., et al., 2023). The presence of various e-commerce platforms has made it easier for people to shop and transact online (Ramli, TS, 2020).

Law Number 7 of 2014 is the basic legal framework that regulates trade in Indonesia (Pangestu, Y., 2021). Chapter VIII of this Law regulates Trading Through Electronic Systems, providing a legal basis for further regulations related to e-commerce (Pariadi, D., 2018). Article 65 and Article 66 are the core of this regulation, establishing the requirements and mechanisms for electronic trading transactions (Rahmanto, TY, 2019).

In order to fill in and detail the provisions contained in Law Number 7 of 2014, the Indonesian Government issued Government Regulation Number 80 of 2019 concerning Trading via Electronic Systems (Huda, MN, 2021). This regulation contains more detailed provisions regarding the implementation of trading via electronic systems, covering aspects of the parties involved, requirements, obligations of business actors, consumer protection and dispute resolution (Rizal, RFA, 2021).

Juridical analysis of the relevance of Government Regulation Number 80 of 2019 with Law Number 7 of 2014 is the main focus of this article. In this context, relevance includes the extent to which these implementing regulations support and comply with the provisions stipulated in the basic trade law.

The research method that will be used in this article is a normative and empirical juridical approach. A normative juridical approach is carried out by analyzing in depth the texts of laws and related regulations. Meanwhile, the empirical juridical approach involves collecting and analyzing primary and secondary data, including literature and documentation studies.

By analyzing the relevance of Government Regulation Number 80 of 2019 with Law Number 7 of 2014, it is hoped that this article can provide a better understanding of the legal framework for electronic commerce in Indonesia. The results of this analysis can then be used as a basis for providing recommendations or suggestions regarding improvements or improvements to existing regulations, in line with technological developments and community needs.

3. Research Methods

The approach used in this research is a normative juridical approach, including looking at laws and government regulations which involve detailed analysis of Law Number 7 of 2014 concerning Trade and Government Regulation Number 80 of 2019 concerning E-Commerce. This step will include an in-depth understanding of the legal content, structure and objectives of these two regulations. Then, explore and analyze legal literature related to e-commerce, electronic commerce, and the latest relevant legal regulations. The legal library is the basis for understanding the legal concepts, principles and norms contained in these regulations. Next, compare the provisions contained in Government Regulation Number 80 of 2019 with the norms contained in Law Number 7 of 2014. The aim is to identify similarities, differences and potential inconsistencies between the two.

Another approach used is an empirical juridical approach which analyzes documents which involves collecting and analyzing documents related to the implementation of Government Regulation Number 80 of 2019 in the field, such as implementation reports,

internal e-commerce company policies, and documentation related to electronic commerce transactions. Then, interviews with related parties, such as government representatives, e-commerce business actors, and consumers. This interview aims to gain a direct understanding of the impacts, obstacles and implementation of e-commerce regulations. Next, carry out surveys and data analysis by conducting surveys to collect data from e-commerce business actors, consumers, or other related parties. This data may include perceptions of regulations, changes in business practices, and impact on parties involved. Also, statistical analysis by conducting statistical analysis of survey data to identify significant trends, patterns and variables that can support or oppose the relevance of Government Regulation Number 80 of 2019 with Law Number 7 of 2014.

Synthesis analysis is carried out by integrating findings from both approaches (normative juridical and empirical) to build a comprehensive understanding of the relevance of Government Regulation Number 80 of 2019 with Law Number 7 of 2014. Next, discussing the results of the analysis and providing conclusions regarding the extent of the relevance of the Regulation Government Number 80 of 2019 with Law Number 7 of 2014, as well as providing recommendations for improvements or adjustments if necessary.

4. Results and Discussion

In recent years, e-commerce has experienced rapid development in Indonesia. The development of technology and the Internet provides an alternative to shopping online, eliminating the need to come to shopping centers. Previously, people had to go to shopping centers to meet their daily needs, but now technology and the Internet provide new solutions to meet their daily needs. Long distance from shopping locations, availability of needed goods, and limited time for shopping are several reasons for people to switch to e-commerce.

In the context of business and commerce, the term e-commerce is often heard as a form of online commerce using internet technology. The Association for Electronic Commerce defines e-commerce as an electronic trading mechanism. E-commerce not only includes the process of buying and selling goods online, but also involves marketing, sales, shipping, service and payment activities throughout the world. In general, e-commerce has three main characteristics, namely transactions between two parties, exchange of goods, services or information, and use of the internet as a medium.

E-commerce is the process of transacting goods or services through an information system using information technology (Aco, A., & Endang, H., 2017). The emergence of online buying and selling allows consumers to view, find out product prices, and even negotiate without having to come directly to the place of sale (Saragih, AE, & Bagaskara, MF (2023). E-commerce includes technology, applications and business processes that connect companies, consumers and communities through electronic transactions and electronic trading of goods, services and information (Lukito, I, 2017).

The use of e-commerce involves information technology and electronic communications by business people, individuals, or stakeholders to manage key business processes. This aims to provide benefits in the form of security, flexibility, integration, optimization, efficiency, increased productivity and profitability (Zahra, SA, 2023).

Within the scope of Government Regulation (PP) Number 80 of 2019 concerning E-Commerce, electronic commerce is developing rapidly, enabling all parties to carry out trade activities and transactions through electronic communication systems. Trade policies and regulations, both conventional and electronic, have the same goal, namely carrying out commercial activities that are legal, honest, based on the principles of healthy business competition, and protecting consumer rights.

Government Regulation Number 80 of 2019 does not only focus on e-commerce transactions, but also covers delivery mechanisms, payments, advertising, electronic contracts and other aspects. The scope of this regulation covers all trading activities that use various modes and types of electronic communication systems, both online and offline. A comprehensive approach in implementing PP 80/2019 is needed because it involves many aspects, such as delivery systems, payments, electronic advertising, electronic contracts, PSME requirements, personal data protection, dispute resolution, as well as guidance and supervision.

The relevance of PP Number 80 of 2019 to Law Number 7 of 2014 concerning Trade lies in the fact that this PP is a regulation for implementing the mandate of Article 66 of the Trade Law. Related articles, such as Article 65 and Article 66 of the Trade Law, provide the legal basis for PP 80/2019. Therefore, this PP does not conflict with Law 7/2014, in line with the Stufentheorie principle and the concept of Law as a tool of social engineering which emphasizes the levels of legal norms and the role of law as a tool for reform in society. PP Number 80 of 2019 is expected to increase trade in domestic products, support increased online exports, and change social values in society.

5. Conclusions and Suggestions

Conclusion

Based on the data analysis and discussion that has been described, it can be concluded that Government Regulation Number 80 of 2019 concerning Trade via Electronic Systems is relevant to Law Number 7 of 2014 concerning Trade. This relevance is manifested in Article 65 and Article 66 of Law Number 7 of 2014 which generally regulates trading via electronic systems. Specific regulations related to electronic commerce are regulated in Government Regulation Number 80 of 2019, which details aspects of the parties involved, requirements, implementation, obligations of business actors, advertising, offers, acceptance, confirmation, contracts, payments, delivery of goods, exchange of goods, protection personal data, PMSE dispute resolution, and supervision and guidance of trading via electronic systems. Therefore, this regulation supports the realization of a trading system that is fair, trustworthy and protects national interests.

Suggestion

Based on the research findings, the author proposes several suggestions to the government and society, especially the Ministry of Industry and Trade:

1. The government should continue training and education efforts, especially for producers, to strengthen understanding and use of technology. This is expected to encourage business development and increase sales turnover.
2. The public, including consumers, is expected to increase digital literacy and awareness when shopping via electronic systems. The application of the principles of good faith, prudence, transparency, trust, responsibility, balance, fairness and soundness is necessary to create a healthy and fair trading environment.

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