

Protection of Consumer Rights in Online Transactions (E-Commerce) at Suru-Suru All Delivery Panyabungan According to Sharia Business Ethics

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ABSTRAK

Perkembangan pesat teknologi informasi telah berdampak signifikan pada proses komunikasi, menjadikannya sangat penting di dunia yang serba cepat saat ini. Teknologi internet telah berperan penting dalam memenuhi kebutuhan ini, tetapi tidak ada konsensus tentang definisi E-Commerce, karena ini adalah masalah kompleks yang melibatkan ilmu pengetahuan, teknologi, ekonomi, dan hukum. Sebuah analisis deskriptif digunakan untuk menganalisis pentingnya perlindungan hukum bagi pengguna bisnis online, dengan fokus pada etika bisnis dalam konteks perkembangan jual beli. Hasil penelitian ini menunjukkan bahwa Suru-Suru All Delivery telah memenuhi hak-hak konsumen sebagaimana diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, seperti yang terlihat dari wawancara yang dilakukan oleh peneliti dengan konsumen dan direktur Suru-Suru All Delivery. Perlindungan konsumen dalam transaksi online (E-Commerce) di Suru-Suru All Delivery pada dasarnya sesuai dengan etika bisnis Syariah karena perlindungan konsumen yang diberikan oleh Suru-Suru All Delivery sejalan dengan prinsip-prinsip etika bisnis Syariah.

Keyword: Hak konsumen; E-Commerce; Etika; Bisnis; Syariah

ABSTRACT

The rapid advancement of information technology has significantly impacted the communication process, making it crucial in today's fast-paced world. Internet technology has been instrumental in meeting this need, but there is no consensus on the definition of E-Commerce, as it is a complex issue involving science, technology, economics, and law. A descriptive analysis was used to analyze the importance of legal protection for online business users, focusing on business ethics in the context of buying and selling developments. The results of this study show that Suru-Suru All Delivery has fulfilled consumer rights as stipulated in Law Number 8 of 1999 on Consumer Protection, as seen from the interviews conducted by the researcher with consumers and the director of Suru-Suru All Delivery. Consumer protection in online transactions (E-Commerce) at Suru-Suru All Delivery is fundamentally in accordance with Sharia business ethics because the consumer protection provided by Suru-Suru All Delivery aligns with the principles of Sharia business ethics.

Keyword: Consumer Rights; E-Commerce; Ethics; Business; Sharia

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1. INTRODUCTION

The advancement of information technology brings changes to the communication process, making the role of communication increasingly important due to the demands of the fast-paced modern world. One of the technologies that has successfully met this need is internet technology. (Mialiawati, 2020) Until now, there has been no single agreement among experts regarding the definition of E-Commerce, because each observer

from practitioners places different emphasis, as the issues of E-Commerce are complex problems whether viewed from the perspective of science and technology, or from the perspective of economics and law. (Agustiawan et al., 2022)

Currently, technological development has been progressing very rapidly, encompassing various fields, one of which is the field of information technology. (Sumarsono et al., 2020) The development of information technology is utilized by Indonesian society to facilitate various aspects of fulfilling their daily needs. (Adhiarso et al., 2019) One of the ways to meet those needs is by conducting online buying and selling activities. (Syakir et al., 2024) The transaction activities are not conducted in a specific place where the seller and buyer meet directly, but are carried out using online media. (TARIGAN, 2021) Shariah sales transactions have four pillars, namely: the presence of the akid (the person making the contract), ma'qud alaihi (the item being contracted), and shighat, which consists of ijab (offer), qabul (acceptance), and the exchange value of the item. (Alam & & et all, 2023)

Online buying and selling activities through the internet, known as Electronic Commerce or E-Commerce, are activities widely conducted by everyone, because electronic transactions make time efficient and effective, allowing someone to conduct buying and selling transactions with anyone, anywhere, and anytime. (Cetinã et al., 2022) E-Commerce is essentially a trade transaction between sellers and buyers using the internet as a medium. This has certainly changed the habit of conducting direct face-to-face transactions between sellers and buyers, which can now be done online. (Felix & Rembulan, 2023) The buying and selling transactions are conducted by accessing the available web page that contains an agreement made by the seller and buyer. (Sarwono, 2023) They just need to follow the provided instructions by pressing a button as a sign of agreement to the contents of the agreement. The payment for the transaction can be easily made by transferring through an ATM (Automated Teller Machine), mobile banking, minimarket, or through a third party intermediary such as a joint account.

One of the E-Commerce platforms in Mandailing Natal is Suru-Suru All Delivery. Suru-Suru All Delivery is an E-Commerce that was established on May 17, 2018, coinciding with 30 Sha'ban 1440 H, and immediately began operations on the same day by conducting promotions. Suru-Suru All Delivery is structured as a CV, namely CV. TJM Group Terus Jaya Muda. In addition to operating in the Delivery sector, Suru-Suru All Delivery also engages in transportation. Suru-Suru All Delivery has the slogan "Starting from Helping," Suru-Suru All Delivery operates from 6:00 AM to 11:30 PM, and after that time, Suru-Suru All Delivery no longer provides services, except during the month of Ramadan.

The development of technology aims to make all human affairs easy, fast, practical, and economical. However, with all these conveniences, there are certainly gaps where irresponsible people exploit cunningness to act unjustly towards others for personal gain. Just like food or drinks that consumers receive damaged or spilled before they reach the consumers' hands, and so on.

2. RESEARCH METHOD

The method is written descriptively and uses a qualitative approach based on research data regarding the smoothness of online buying and selling through e-commerce. (Rustamana et al., 2024) The methodology provides readers with clarity on the steps taken to address the research problem. The research specification uses descriptive analysis, which is a research method aimed at providing a systematic, factual, and accurate depiction of facts. (Tomaszewski et al., 2020) In this case, it analyzes the importance of legal protection for online business users to find forms of legal protection relevant to business ethics in the context of buying and selling developments. Additionally, this research will also depict the facts and issues regarding the need for comprehensive protection of online businesses. Furthermore, various applicable national and international regulations will also be described in connection with the practice of legal protection implementation. (Khan, 2022)

3. RESULTS AND DISCUSSION

A. *Implementation System Online Buying and Selling in the Law of the Islamic State*

Islam has taught humanity to seek sustenance through means that align with Islamic principles and bring benefits to individuals, meaning that matters concerning and relating to property should be viewed and judged by two criteria: halal and haram, including in trade and commerce, which involves absolute exchange. Terminologically, buying and selling is the mutual exchange of property with property in the form of transfer of ownership and possession. (Hartini et al., 2022) The definition above can be understood that the essence of buying and selling is an agreement to exchange goods or items of value, voluntarily between both parties, where one party receives the item and the other party receives money as compensation for the item, in accordance with the agreement and terms that have been sanctioned by Sharia and agreed upon. (Nasti et al., 2024) In an electronic contract for online sales transactions or e-commerce business, sellers have their respective rights and responsibilities, and refer to the seller's obligations in sales transactions, including:

- 1) Transfer ownership of the goods being sold.
- 2) Bearing the enjoyment and bearing hidden defects.
- 3) Providing information about goods and/or services sold accurately, honestly, clearly, and so on. (Garaika, 2020).

E-commerce law in Indonesia significantly does not cover aspects of transactions conducted online (internet). However, there are several laws that can serve as a reference for conducting online transactions or e-commerce activities. Namely:

- 1) Law No. 8 of 1997 on Company Documents (Company Documents Law) has extended towards the proof of electronic data. In Chapter I General Provisions, Article 1 paragraph 2 regarding company documents which states: Company documents are data, records, and/or information created and/or received by the company in the course of its activities, whether written on paper or other media or recorded in any form that can be seen, read, or heard.
- 2) Article 1233 of the Indonesian Civil Code, which states that obligations arise from an agreement or by law.
- 3) Article 1338 of the Indonesian Criminal Code, which states that the law in Indonesia adheres to the principle of freedom of contract.

B. Legal Protection for Online Shopping Consumers

The principle of security in online transaction infrastructure, such as guarantees of the authenticity of seller/buyer identities, payment gateway security, and the security and reliability of electronic commerce websites, has not yet become a primary concern, especially for small to medium-scale transactions with nominal transaction values that are not too large (for example, buying and selling transactions through social networks, online communities, online stores, or blogs). (Herrine, 2023)

If consumers incur losses during the online buying and selling process, serious problems can arise. Article 19 paragraphs 1 and 2 of the UUPK explain that business actors must bear the responsibility of providing compensation for any form of damage, pollution, or loss that may arise as a result of the use of goods or services they produce or offer to consumers. Paragraph (2) of that article also indicates that compensation can take the form of refunds, replacement of goods or services of equivalent value, healthcare services, or compensation in accordance with applicable legal regulations. Additionally, Article 45A paragraph 1 of the ITE Law also regulates provisions related to consumer protection for those who suffer losses in online buying and selling transactions, making it an important aspect in efforts to safeguard consumer rights. In Indonesia, the legal basis that allows a consumer to seek protection is:

- 1) The 1945 Constitution Article 5 paragraph (1), Article 21 paragraph (1), Article 27, and Article 33.
- 2) Law No. 8 of 1999 on Consumer Protection (State Gazette of the Republic of Indonesia 1999 No. 42, Supplement to the State Gazette of the Republic of Indonesia No. 3821)
- 3) Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition.
- 4) Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution
- 5) Government Regulation No. 58 of 2001 on the Supervision and Implementation of Consumer Protection
- 6) Circular Letter of the Director General of Domestic Trade No. 235/DJPDN/VII/2001 Regarding Consumer Complaint Handling Addressed to All Regional/City Trade Offices
- 7) Circular Letter of the Director General of Domestic Trade No. 795/DJPDN/SE/12/2005 concerning Guidelines for Consumer Complaint Services

C. Business Ethics in Islam

Ethics is a field of study that discusses human issues, actions, or behaviors that are considered good or bad. Business ethics refers to the knowledge of ideal procedures in organizing and managing a company, taking into account generally accepted norms and morals. (Islam et al., 2023) The use of business ethics has many benefits, including building a good company image, making the company more trustworthy, enabling the company to adapt to changes, and establishing a company culture or identity. (Andespa et al., 2024)

Islamic business ethics is a process and effort to discern right from wrong, and subsequently to continue doing what is right concerning products, company services, and stakeholders' demands. Studying the moral quality of organizational wisdom, general concepts, and standards for moral behavior in business, behaving responsibly and ethically. This means that Islamic business ethics are a habit or moral culture related to the business activities of a company. Thus, it can be said that the understanding of Islamic business is subsequently used as a practical framework that functionally will form a religious awareness in conducting every economic activity (religiousness economy practical guidance).

E-Commerce is a term used to describe the process of buying and selling goods or services over the internet. Also, E-commerce is a term that refers to doing business electronically, connecting companies,

consumers, and society through electronic transactions for the exchange or sale of goods, services, and information electronically.

D. Principles of Business Ethics in Islam

The blessing of a business is the stability of that business with the acquisition of fair profits that are pleasing to Allah SWT. Therefore, to attain blessings, a businessperson must pay attention to several business ethics principles outlined in Islam, among others:

1) Unity (Tawhid)

This unity means that the main source of Islamic business ethics is the total and pure belief in the oneness (unity) of Allah SWT. This fact specifically highlights the vertical dimension of Islam that connects limited and imperfect social institutions with the perfect and unlimited essence.

2) Balance

In the world of work and business, Islam requires fairness, even towards those who are not liked. The application of this concept of balance, for example, is that Allah SWT warns Muslim entrepreneurs to perfect the measures and weights in buying and selling. It is very interesting to know that the meaning of justice is fairness or equality. Overall, Islam aims to curb the tendency of human greed and the love for possessions.

3) Free Will

Freedom is an important part of the values of Islamic business ethics, but that freedom should not harm collective interests. Individual interests are widely opened. The absence of income limits for individuals encourages people to actively create and work with all the potential they possess. The application of the concept of free will in Islamic business ethics is that humans have the freedom to make contracts and fulfill them or break them. A Muslim who has surrendered their life to the will of Allah SWT will fulfill all the contracts they have made.

4) Responsibility

The application of the concept of responsibility in Islamic business ethics, for example, if a Muslim entrepreneur behaves unethically, he cannot blame his actions on business pressures or on the fact that everyone else also behaves unethically. He must bear the highest responsibility for his own actions. 34

5) Truth

Truth in this context, besides meaning the opposite of error, also contains two elements: virtue and honesty. In the context of business, truth is meant as the intention, attitude, and correct behavior that encompass the process of contracts (transactions), the process of searching for or acquiring commodities, development, and the process of striving for or determining profit. With this principle of truth, Islamic business ethics strongly safeguards and acts preventively against the possibility of loss for either party involved in a transaction, cooperation, or agreement in business. In the business world, we still want to achieve success (profit), but the rights of the buyer must still be respected. In the sense that sellers must be tolerant of buyers' interests, regardless of whether they are regular or free consumers.

E. Consumer Rights Protection Suru-Suru All Delivery

Before discussing the consumer protection measures implemented by Suru-Suru All Delivery we need to understand what the rights of consumers and the obligations of business actors are. The Consumer Protection Law Number 8 of 1999 regarding Consumer Protection, Article 4, states that consumers have the right to comfort, safety, and security in consuming goods/services. These rights are intended to ensure the comfort, safety, and security of consumers when using goods/services obtained from business actors, thereby avoiding both physical and psychological harm. Because essentially, consumer protection aims to fulfill:

- 1) the right to comfort, security, and safety in consuming goods and/or services.
- 2) the right to choose goods and/or services and to receive those goods and/or services according to their exchange value and conditions.
- 3) promised guarantees; the right to accurate, clear, and honest information regarding the condition and guarantees of goods and/or services.
- 4) the right to have their opinions and complaints heard regarding the goods and/or services used.
- 5) the right to receive advocacy, protection, and proper consumer dispute resolution efforts.
- 6) the right to receive compensation, reimbursement, and/or replacement, if the goods and/or services received do not conform to the agreement or are not as they should be.

On the first right, which is "Comfort, security, and safety." Suru-Suru All Delivery prioritizes the comfort, security, and safety of consumers, based on an interview with the Director of Suru-Suru All Delivery, Mr. Irhamuddin Nasution. "Suru-Suru All Delivery places great importance on the comfort, security, and safety of consumers, as these are the most crucial factors in winning their hearts. If consumers feel comfortable, they will continue to place orders with Suru-Suru All Delivery." To create comfort, security, and safety for consumers, Suru-Suru All Delivery strives to respond quickly to consumer chats. If a consumer wants to send/receive a package, only the admin will inquire about the package's contents to maintain consumer privacy. Additionally, if a consumer places an order, drivers are prohibited from opening the order.

The second right is to "choose goods/services and receive goods/services," which is explained as intended for consumers to freely choose goods or products according to their needs without coercion from any party. The implementation of the right to choose goods/services and obtain goods/services is in accordance with what Suru-Suru All Delivery has done, because Suru-Suru All Delivery has never forced a product on its consumers, based on an interview with the director of Suru-Suru All Delivery. "Suru-Suru All Delivery never forces consumers to buy a product; Suru-Suru All Delivery only includes those products in the Suru-Suru All Delivery WhatsApp story, and then consumers order according to their needs or preferences."

Meanwhile, the third right is that "consumers have the right to accurate, clear, and honest information regarding the condition and warranty of goods/services." This right is intended so that consumers receive accurate and clear information about a product to avoid mistakes when choosing items, as one of the defects in a product is caused by insufficient information about the product. In the implementation of the third right, it is in accordance with what Suru-Suru All Delivery has done, because the products offered in the Suru-Suru All Delivery WhatsApp story have been explained regarding the price and details of the products. This is based on an interview with the Director of Suru-Suru All Delivery. "*The information regarding prices and product details has been explained in the Suru-Suru All Delivery WhatsApp story, and it is all accurate.*"

The fourth right explains that consumers have the "right to have their opinions and complaints about the goods/services used heard." This right is intended to prevent consumers from further losses, usually in the form of questions or complaints about the products they receive. This fourth right has been implemented by Suru-Suru All Delivery by providing a call center service to accommodate all consumer complaints. This is in accordance with the results of the interview conducted by the researcher with the director of Suru-Suru All Delivery. "If consumers have any issues or complaints they want to convey, Suru-Suru All Delivery has created a call center service with the WhatsApp number 082165609114 that will listen to all the problems that occur and will take responsibility until the issue is resolved."

The fifth right explains that consumers have the "*right to obtain advocacy*" protection, and fair efforts to resolve consumer protection disputes. This right is an effort to restore the consumer's physical and psychological state after experiencing a loss. In the implementation of the fifth right, Suru-Suru All Delivery has taken responsibility for resolving all issues that arise until no party feels aggrieved. This is in accordance with the interview conducted by the researcher with the director of Suru-Suru All Delivery. "*As I have explained before, if there is a consumer who complains about their issue with Suru-Suru All Delivery, we will take responsibility until the problem is resolved so that no party feels disadvantaged.*"

The seventh right explains that consumers have the "right to be treated or served fairly, honestly, and without discrimination." This right is implemented so that consumers receive equal treatment from business operators without discrimination based on ethnicity, religion, race, and culture, as well as without differentiating consumers based on social status and economic conditions. In this seventh right, it has been implemented by Suru-Suru All Delivery, because Suru-Suru All Delivery never discriminates against consumers; Suru-Suru All Delivery will serve all consumers equally and appropriately. This is based on an interview with the director of Suru-Suru All Delivery. "*We never differentiate between consumers, because for us all consumers are the same. We will serve consumers as best as we can so that they continue to make purchases through Suru Suru All Delivery.*"

F. Consumer Protection in Online Purchase Transactions (E-Commerce) at Suru-Suru All Delivery

According to Sharia Business Ethics Transactions in E-Commerce Suru-Suru All Delivery is a form of buying and selling without a meeting between the seller offering goods/services and the buyer needing those goods/services; they conduct the buying and selling transaction through Suru-Suru All Delivery. (Agustiawan et al., 2022) Thus, one of the essential elements in buying and selling has been fulfilled, namely the parties to the contract (the seller and the buyer). (Siregar & Harahap, 2022) To obtain blessings in business, business practitioners must pay attention to several principles of Sharia business ethics, namely:

1) Unity (Tawhid)

This unity means that the primary source of Islamic business ethics is total and pure belief in the oneness (unity) of Allah SWT. This reality specifically highlights the vertical dimension of Islam that connects limited and imperfect social institutions with the perfect and infinite essence. Suru-Suru All Delivery has implemented the principle of unity (tauhid), as expressed by the owner of Suru-Suru All Delivery in an interview conducted by the researcher with the owner of Suru-Suru All Delivery, namely:

"At Suru-Suru All Delivery, we restrict orders for prohibited items, for example, if someone orders alcoholic beverages, picks up packages containing forbidden items (such as drugs) or others, even if the consumer offers a higher delivery fee than the set rate, we cannot accept it, because besides being prohibited by law, Islam also forbids such actions, and Suru-Suru All Delivery does not want to get caught up in unhealthy business practices, because if Allah SWT does not bless our efforts, then the blessings in our business will be lost."

2) Balance

In work and business activities, Islam requires fairness, even towards those who are not liked. The application of this balance concept, for example, is that Allah SWT warns Muslim entrepreneurs to perfect the measurements in buying and selling. It is very interesting to know that the meaning of justice is fairness or equality. Overall, Islam aims to curb the tendency of human greed and the love for material possessions. Suru-Suru All Delivery has implemented the principle of balance, as evidenced by an interview conducted by the researcher with one of Suru-Suru All Delivery's customers, who said: *"In my opinion, Suru-Suru All Delivery is fair because my friend and I ordered the same food and drinks, and they were delivered to our respective addresses. I ordered first, and 2 minutes later my friend ordered the same food and drinks. My friend is a regular customer of Suru-Suru All Delivery, as he orders almost every day, while this was my first time ordering from Suru-Suru All Delivery. Despite that, my order arrived before my friend's."* So, I consider Suru-Suru All Delivery to be fair to its customers, regardless of who placed the order first; the one who orders first is the one who gets served first.

3) Free Will

Freedom is an important part of the values of Islamic business ethics, but that freedom should not harm the collective interest. Individual interests are widely opened. The absence of income limits for individuals encourages people to actively create and work with all the potential they possess. The application of the concept of free will in Islamic business ethics is that humans have the freedom to make contracts and either fulfill them or break them. A Muslim who has surrendered their life to the will of Allah SWT will fulfill all the contracts they have made. *"Suru-Suru All Delivery has implemented free will, because when we place an order with Suru-Suru All Delivery, we are free to choose whatever we want to buy. After an agreement is reached between the consumer and Suru-Suru All Delivery, Suru-Suru All Delivery will keep that promise by delivering the ordered goods to the consumer."*

4) Responsibility

The application of the concept of responsibility in Islamic business ethics, for example, if a Muslim entrepreneur behaves unethically, he cannot blame his actions on business pressures or on the fact that everyone else also behaves unethically. He must bear the highest responsibility for his own actions. Suru-Suru All Delivery has implemented the principle of responsibility, based on an interview with the Director of Suru-Suru All Delivery, who stated: *"If Suru-Suru All Delivery makes a mistake, regardless of the type of mistake, Suru-Suru All Delivery will take responsibility."* As explained in the previous interview.

5) Truth

Truth in this context, besides meaning the opposite of error, also contains two elements: virtue and honesty. In the context of business, truth is meant as the intention, attitude, and correct behavior that encompass the process of contracts (transactions), the process of searching for or obtaining commodities, development, and the process of striving for or determining profit. With this principle of truth, Islamic business ethics very much safeguards and acts preventively against the possibility of loss for either party involved in transactions, cooperation, or agreements in business. In the business world, we still want to achieve success (profit), but the rights of the buyer must always be respected. In the sense that sellers must be tolerant of buyers' interests, whether they are regular or occasional consumers. Suru-Suru All Delivery has implemented the principle of honesty, which can be seen from the Suru-Suru All Delivery WhatsApp story. If the price of the item is mentioned in the Suru-Suru All Delivery WhatsApp story, that is indeed the original price and will not be changed by Suru-Suru All Delivery. This is based on an interview with a Suru-Suru All Delivery customer, who said: *"I once ordered from Suru-Suru All Delivery because I liked the food shown in the Suru-Suru All Delivery WhatsApp story, specifically seblak mie pentol priced at 12,000. After I ordered, it was indeed the same as explained in the Suru-Suru All Delivery WhatsApp story, and the price matched what was mentioned."*

Based on the above explanation, Suru-Suru All Delivery has implemented consumer rights protection. However, the principle of responsibility is less known to the public, as many consumers, according to the interviews conducted by the researcher, are unaware of the call center service provided by Suru-Suru All Delivery, making the principle of responsibility less visible in the eyes of consumers.

4. CONCLUSION

Based on the research conducted by the researcher regarding consumer rights protection in E-Commerce transactions at Suru-Suru All Delivery, that the Efforts to protect consumer rights in buying and selling at Suru-Suru All Delivery are regulated in the terms and conditions of Suru-Suru All Delivery. Consumer protection efforts at Suru-Suru All Delivery are focused on discrepancies with the ordered goods. If there is an error with the received goods, consumers can contact the Suru-Suru All Delivery call center to express their complaints about the Suru-Suru All Delivery service. If the mistake is on the part of Suru-Suru All Delivery, then Suru-Suru All Delivery is willing to replace it as a form of accountability. In addition, regarding the protection of consumer personal data, Suru-Suru All Delivery has regulated it in the service

terms; all personal information of buyers entered while using the Suru-Suru All Delivery application will be used appropriately

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