

Implementation of Consumer Protection Law in Handling Lost Goods by Domestic Freight Forwarders

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ABSTRACT

The growth of delivery services in the digital trade era brings serious challenges related to consumer protection, especially in cases of lost goods. This research aims to examine the implementation of the Consumer Protection Law in addressing these issues through a literature study approach. Analysis is carried out on various relevant regulations, including Law Number 8 Year 1999 on Consumer Protection and Law Number 38 Year 2009 on Posts. The results of the research show that there is a mismatch between legal rules and the practice of delivery services, where the responsibility of business actors is often ignored through the use of standardized clauses that harm consumers. The suboptimal consumer dispute resolution system, such as the less active Consumer Dispute Resolution Body (BPSK), also weakens the protection of consumer protection. The implications of these conditions are not only detrimental to individuals, but also have the potential to reduce public trust in the logistics service system. This research recommends strengthening regulations and supervisory mechanisms that are more responsive and improving consumer legal literacy. Firm and integrated law enforcement is key in building a fair and empowered consumer protection system.

INTRODUCTION

The development of technology and logistics systems has driven significant growth in the freight forwarding sector. Amid the rapid dynamics of the digital economy and online commerce, delivery services have become the backbone in bridging consumers with busine. The increasing volume of transactions involving the distribution of goods through expedition services leads to an increase in potential risks in services, including lost or damaged goods (Saputra et al., 2022).

The increase in the intensity of delivery of goods is not always accompanied by an increase in the quality of protection for consumers. One issue that often occurs is the loss of goods, which often causes material and immaterial losses to consumers. This condition requires the implementation of regulations that can provide legal protection to consumers who are harmed, especially regarding the relationship between consumers and delivery service providers.

Law Number 8 Year 1999 on Consumer Protection has been passed as the legal basis for the protection of consumer protection in Indonesia. The

regulation explains that consumers have the right to a sense of security, comfort, and guarantee for the goods and/or services they receive. In practice, the implementation of this law still faces various problems, especially when dealing with cases of lost goods in delivery.

The research reviewed in this document reveals that there is still a gap between the substance of the law and its application in the field. Many consumers do not understand their rights or do not know the legal steps that can be taken when they suffer losses. Delivery service providers also often do not transparently provide information regarding their responsibility for the shipment.

This problem becomes more complex when there is a tug of war between proof of legal responsibility and claim limits applied by the delivery company. Dispute handling between consumers and service providers has not fully guaranteed justice and maximum protection for consumers (Amalia & Suryono, 2019). Reviewing the implementation of existing regulations is important in ensuring that the consumer protection system can run effectively and efficiently (Tampubolon, 2016).

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Based on the literature review, one of the main problems that arise in the implementation of the Consumer Protection Law (UUPK) is the low level of consumer understanding of their respective rights, especially in the case of lost goods during delivery. Consumers often do not know the dispute resolution mechanism or the form of legal responsibility of the delivery service business actor. This is exacerbated by the lack of education provided by delivery service providers and related parties regarding consumer protection regulations (Wahyuni, 2020).

Problems also arise from weak supervision of business actors in applying consumer protection principles. Suboptimal law enforcement means that many logistics companies do not have an adequate and transparent claims handling system. As a result, many cases end without a fair settlement for the consumer (Prasetyo, 2018). Existing regulations have not fully covered the diversity of *modus operandi* of delivery service providers that avoid legal responsibility.

The lack of clarity in the application of legal responsibility for lost goods causes a lack of consumer trust in the national distribution system. This has a direct impact on the effectiveness of the rapidly growing digital trade and national logistics system. With the increasing volume of digital transactions, an inadequate consumer protection system will become a weak point in the trade chain. Understanding and supervision of the implementation of regulations governing the obligations and rights of parties is therefore important to ensure fairness and improve the quality of the delivery of public services (Alfiyah et al., 2023).

This research aims to examine how the implementation of the Consumer Protection Law in handling cases of lost goods in delivery services, by reviewing aspects of business compliance, consumer understanding, and the effectiveness of law enforcement based on relevant literature and previous studies.

RESEARCH METHOD

This research uses a literature review approach as the main method to examine the implementation of the Consumer Protection Law related to lost goods in delivery services. This approach is carried out by collecting, examining, and analyzing various literature sources such as scientific journals, law books, laws and regulations, and court decisions related to consumer protection and the responsibility of delivery service companies. The literature study was chosen because this method is able to provide a comprehensive understanding of consumer protection concepts,

regulations, and practices based on previous studies (Snyder, 2019). The literature selection process was conducted systematically by considering the relevance and credibility of the sources.

According to Ridley (2012), a literature study is not just summarizing the content of the reading, but also evaluating and synthesizing the thoughts that have developed in a particular field. The literature study was used to identify the extent to which the Consumer Protection Law has been applied in practice by delivery service companies and how the legal response to consumer complaints. The data analyzed includes the results of previous research, official regulations such as Law Number 8 Year 1999, and relevant court decisions, in order to obtain an empirical picture of legal implementation. This research is expected to find gaps between rules and practices that are still a problem in the protection of consumer protection rights for lost delivery goods.

RESULT AND DISCUSSION

In the era of growing e-commerce, the use of goods delivery services has increased significantly. This is in line with the increasing need for consumers to get goods quickly and efficiently (Dewi et al., 2022). Behind this convenience, it is not uncommon for consumers to experience losses due to lost goods sent. This situation raises concerns and uncertainties, so legal protection for consumers is very important.

In the dynamic growth of the digital economy and increasingly online trade flows, delivery services have become a vital sector in the goods distribution chain. The development of e-commerce and the rise of online transactions have created a heavy reliance on logistics services. However, at the same time, the potential for problems in the distribution process has also increased, especially the lost goods (Kusaimah, 2021). This incident disrupts distribution and causes tangible harm to consumers. The existence and implementation of UUPK is a legal umbrella that guarantees consumer protection rights (Siregar et al., 2021).

Law Number 8 Year 1999 on Consumer Protection is a normative foundation that guarantees consumers' rights to a sense of security and certainty over the goods or services they buy and use. In Article 4 letters a and c, it is emphasized that consumers are entitled to comfort, security, and safety in consuming goods and/or services and to obtain correct, clear, and honest information about the condition of the goods and/or services. When consumers hand over goods to delivery services, there is a legal expectation that the goods will reach the recipient in one piece. Lost goods is a form of service failure that requires legal responsibility.

Delivery service providers as business actors. In UUPK Article 19 paragraph (1), it is emphasized that business actors are responsible for providing compensation for damage, pollution, and/or consumer losses due to consuming traded goods and/or services. This also applies to delivery services that remove consumer goods. The implementation of these responsibilities in the field is not always ideal. Many service providers stipulate unilateral provisions in the form of standard clauses that limit or even negate their responsibilities, which is actually contrary to Article 18 of UUPK.

There are still many cases where expedition companies write a clause “not responsible for lost goods” in the terms and conditions of service. Such clauses are legally voidable because they contradict the principles of consumer protection. Article 18 paragraph (1) letter a of the UUPK expressly states that business actors are prohibited from making unilateral statements stating that goods that have been purchased cannot be returned or replaced. This reflects that the law does not provide room for business actors to avoid responsibility by relying on unilateral contracts.

In the case of lost goods, consumers have rights that need to be understood. One of them is the right to obtain compensation for the losses suffered, which can be in the form of a refund or replacement of lost goods (Ma'ruf & Sushanty, 2022). Consumers have the right to obtain clear and correct information regarding the delivery status of their goods, as well as the right to submit complaints to delivery service providers or consumer protection institution. The responsibility of the delivery service provider is very important because they are responsible for the safety of the goods entrusted to them. In the event of lost goods, the delivery service provider is deemed to have made a default and is obliged to provide compensation to consumers.

To claim compensation, consumers can take several systematic steps. The first step is to submit a written complaint to the delivery service provider, followed by the collection of all evidence related to the delivery of goods, such as delivery receipts, proof of payment, and correspondence. If there is no agreement, consumers can apply for mediation through a consumer protection agency. If mediation fails, the last step is to file a civil lawsuit with the court. With these steps, it is hoped that consumers can obtain adequate legal protection for the lost goods experienced during the delivery process, so that they feel safer and more protected in transacting in this digital era.

The Civil Code of Indonesia (KUHPPerdata) also regulates the agreement between the senders and the delivery service providers. Based on Article 1457 of the Civil Code of Indonesia on sale and purchase and

Article 1365 on tort, the service provider is obliged to ensure that the goods delivered are in accordance with the agreement. If the goods are lost due to negligence, the service provider can be held liable to compensate for the losses suffered by consumers. The Civil Code of Indonesia (KUHPPerdata), specifically Article 1243, regulates compensation for default, which can be applied in cases of lost goods. The provisions in the agreement between the consumer and the delivery service provider are also an important legal basis, as there are often clauses that regulate the responsibility of the service provider for the goods deposited.

Another relevant regulation is the Minister Indonesia of Transportation Regulation Number PM 74 Year 2021 on the Implementation of Custody Services. This regulation stipulates the obligation of delivery service providers to provide a safe service guarantee and ensure that the goods reach the recipient in good condition. This regulation also requires service providers to have a replacement or insurance scheme for goods that are lost or damaged in transit (Jaya et al., 2020).

Although regulations are in place, implementation on the ground is often not optimal. Many delivery service providers have internal policies that limit their liability in cases of lost goods, making it difficult for consumers to obtain full compensation. Some companies only replace a fraction of the value of the goods or refund the delivery costs without providing compensation commensurate with the losses experienced by consumers (Rieza & Kadriah, 2020). Although juridically consumers have legal protection in the case of lost goods, its effectiveness still depends on the implementation carried out by delivery service providers and supervision from the government. Further efforts are still needed so that consumers' rights are truly protected and they can obtain justice in every transaction made through delivery services (Husna & Yustitiningtyas, 2022).

There is also Law Number 38 Year 2009 on Posts, which provides a legal framework for delivery service activities. Article 47 states that postal operators are obliged to provide accountability for lost, damaged, or late postal deliveries in accordance with applicable laws and regulations. Delivery service providers are subject to both the UUPK and sectoral regulations on postal and logistics services.

The dispute resolution mechanisms between consumers and delivery companies should be facilitated by BPSK, as stipulated in Article 52 of UUPK. In practice, not all regions have an active or effective BPSK. Many consumers end up choosing not to pursue legal action because they find the process complicated and laborious. Business actors often use this structural weakness as a loophole to avoid responsibility (Lestari & Nugroho, 2019).

Dispute resolution in cases of lost goods due to negligence of delivery service providers can be carried out through two main channels, namely out-of-court dispute resolution (non-litigation) and through legal process in court (litigation). This mechanism aims to provide legal certainty for consumers who are harmed in order to obtain their rights in accordance with applicable laws and regulations.

One of the non-litigation channels that can be taken is through the BPSK which is regulated in the UUPK. BPSK plays a role in resolving consumer disputes using mediation, conciliation, or arbitration methods. The effectiveness of BPSK to handle cases of lost goods is still limited because the decisions issued cannot always be executed directly, especially if the delivery service provider is not cooperative.

Consumers can also file complaints with the Non-Governmental Consumer Protection Agency (LPKSM) or the Transportation Services Authority, which is authorized to supervise delivery service providers. Some delivery companies also have internal complaint services, but these mechanisms are often ineffective due to the lack of transparency and slow response to consumer claims.

If non-litigation resolution does not yield results, consumers can pursue litigation by filing a lawsuit with the civil court under Article 1365 of the Civil Code of Indonesia on unlawful acts. This lawsuit aims to claim compensation in accordance with the losses suffered due to the lost goods. Although the litigation route is more legally binding, the process is often lengthy and costly, so many consumers are reluctant to take this route (Prasada & Fauziah, 2022).

In general, although there are various dispute resolution mechanisms that can be used by consumers, their effectiveness still depends on the willingness of service providers to comply with regulations and the assertiveness of the government to oversee their implementation. Further efforts are needed to improve dispute resolution mechanisms to make them more efficient, fast, and provide legal certainty for consumers.

The implementation of regulations is also inseparable from the issue of supervision and law enforcement. The Ministry of Trade Indonesia as a technical agency has a supervision function, but limited resources and a large area of coverage make the implementation of this supervision uneven. In this case, better coordination between institutions is needed, including with the Ministry of Communication and Information Technology Indonesia which has the responsibility of regulating digital platform operators who intermediate the delivery of goods.

One of the fundamental challenges is the imbalance of information between consumers and companies. Consumers often do not understand their rights, including the right to compensation. Socialization and legal education to the public is an important part of the implementation of consumer protection, but these efforts have not been carried out systematically. Low legal literacy means that consumers remain in a weak position vis-à-vis large business entities that have more established legal and administrative tools.

Some cases of lost goods never even make it to the formal settlement stage. Service providers only offer unequal compensation, or simply provide an apology without any concrete responsibility. This shows the weak legal position of consumers when there is no transparent reporting and monitoring mechanism. In some reports, such as those reviewed in Supreme Court (MA) decisions, it appears that the compensation provided is often disproportionate to the value of the goods lost, and sometimes does not even reflect a sense of justice.

One noteworthy aspect is the development of digital services. Major marketplace platforms now have internal systems to resolve consumer complaints about deliveries. While this provides an alternative, the system is not within the formal framework of the judiciary or BPSK, so consumer rights are still determined by internal company policies, not by national legal norms. This becomes a problem when the platform's unilateral decision is considered final without allowing access to formal legal institutions.

Harmonization between UUPK, Postal Law, and other sectoral regulations is necessary to create a holistic consumer protection system. The involvement of regulatory authorities such as the Financial Services Authority (OJK) when it comes to delivery insurance should also be explained so that consumers understand the entire net of protection available. Transparency on insurance claim rights, coverage values, and procedures should be part of the delivery service (Nababan et al., 2021).

To encourage effective implementation of regulations, the role of local governments through relevant agencies must also be strengthened. Consumer education, supervision of local business actor, and facilitation of dispute resolution at the local level must be prioritized in bringing legal protection closer to the community. Good regulations will lose their meaning if they are not implemented in real life.

In the rapid development of the digital era, consumers play a crucial role as legal subjects who must receive full and comprehensive protection.

The existence of regulations alone will not be sufficient if it is not accompanied by effective implementation and oriented towards protecting the basic rights of consumers. Goods delivery services, which are now a vital part of modern trade activities, demand legal certainty, fairness in service, and guarantees for the goods delivered. A legal system that is not only normative but also implementative is an important element in building an equitable delivery service ecosystem.

The main problem that arises is not the legal vacuum, but the lack of effectiveness in implementing regulations and weak supervision at the operational level. This points to the need to strengthen supervision institutions, improve the competence of law enforcement officers, and modernize technology-based consumer protection mechanisms. Data integration, information transparency, and a reporting system that is responsive to public complaints will strengthen the accountability of business actors in carrying out their responsibilities. If supervision is carried out in a sustainable manner and based on objective evaluation, consumer protection will be more guaranteed in practice.

Guaranteeing protection against lost goods in delivery services, therefore, cannot be seen as the sole responsibility of government institutions. This requires the active involvement of all stakeholders, from regulators, business actors, and supervision officials, to consumers as service users. Alignment between regulation, implementation, and supervision will form a strong legal foundation that is adaptive to the times. The implementation of transparent, accountable, and legal protection-based delivery services is not only a normative ideal, but is realized in a reality that is felt directly by the community.

CONCLUSION

The implementation of the UUPK in handling lost goods in delivery services shows a gap between normative legal provisions and the reality of practice in the field. Although the UUPK has explicitly regulated consumer rights and given legal responsibility to business actors, in its implementation there is still a lack of protection received by consumers, especially when goods are lost. Many business actors utilize consumer ignorance, the use of unilateral standard clauses, and the weak dispute resolution system as reasons to avoid responsibility. This is exacerbated by weak supervision, the lack of effectiveness of institutions such as BPSK, and the lack of regulatory integration between the UUPK and other sectoral regulations such as the Postal Law.

Ineffective implementation of consumer protection in delivery services can have a direct impact on public trust in the legal system and logistics service mechanisms as a whole. When consumers feel they do not have adequate protection, participation in the digital economy ecosystem may decline. Business actors that do not comply with legal obligations may create low service standards and systemically harm consumers. The successful implementation of UUPK in the delivery sector is therefore not just a matter of individual protection, but concerns the stability and integrity of the digital commerce ecosystem at large.

There needs to be a more assertive and coordinated effort between the central and local governments to strengthen supervision, clarify sanctions, and encourage information disclosure for consumers regarding the rights and procedures for claiming lost goods. The government needs to activate the role of BPSK more functionally and expand its reach, especially in areas with high levels of logistics transactions. Delivery service companies are obliged to implement standardized standards for delivery services.

REFERENCES

- Alfiyah, S., R. Mardikaningsih, & F. Issalillah. (2023). Juridical Analysis of the Responsibility of Cosmetic Manufacturers for the Halal Needs of Muslim Consumers. *Bulletin of Science, Technology and Society*, 2(2), 44-50.
- Amalia, P. N., & Suryono, A. (2019). Perjanjian Asuransi untuk Kepentingan Pihak Ketiga antara PT. Asuransi Ramayana dan JNE dalam Penyelenggaran Pengangkutan Barang. *Jurnal Privat Law*, 7(2), 259-264.
- Dewi, R. S., Wijaya, I. S., & Sugiyanti, D. F. (2022). Dampak E-Commerce terhadap Perilaku Konsumen dan Strategi Bisnis. *Masarin*, 1(2), 56-66.
- Husna, S., & Yustitiantingtyas, L. (2022). Tanggung Jawab Ekspedisi Muatan Kapal Laut (EMKL) Bagi Pengguna Jasa Akibat Barang yang Rusak/ Hilang selama Proses Pengiriman melalui Laut. *Cakrawala Hukum: Majalah Ilmiah Fakultas Hukum Universitas Wijayakusuma*, 24(2), 1-8.
- Indaryanti, N. & Y. Mening, F. Issalillah, D. Darmawan, & H Amir. (2023). Ensuring Legal Protection for Consumers Affected by Dental Practice Services, *Studi Ilmu Sosial Indonesia*, 3(1), 93-106.
- Jaya, K. A., Budiarta, I. N. P., & Ujianti, N. M. P. (2020). Tanggung Jawab Perusahaan Ekspedisi terhadap Kerusakan dan Kehilangan Barang Muatan dalam Pengangkutan Darat. *Jurnal Interpretasi Hukum*, 1(1), 66-71.

- Kementrian Perhubungan. (2021). *Peraturan Menteri Perhubungan Nomor PM 74 Tahun 2021 tentang Perlengkapan Keselamatan Kendaraan Bermotor*. Berita Negara Republik Indonesia Tahun 2021 Nomor 982. Jakarta.
- Kementrian Komunikasi dan Informatika. (2020). *Peraturan Menteri Komunikasi dan Informatika Nomor 5 Tahun 2020 tentang Penyelenggara Sistem Elektronik Lingkup Privat*. Berita Negara Republik Indonesia Tahun 2020 Nomor 1376. Jakarta.
- Kusaimah, K. (2021). Perlindungan Konsumen Jasa Pengiriman Barang dalam Hal Terjadi Keterlambatan Pengiriman Barang. *ADIL*, 3(1), 76-85.
- Lestari, M. A., & Nugroho, A. A. (2019). Tanggung Jawab Angkutan Online terhadap Kehilangan Barang Konsumen. *Jurnal Yuridis*, 6(1), 112-131.
- Ma'ruf, A., & Sushanty, V. R. (2022). Perlindungan Hukum dan Tanggung Jawab Pelaku Usaha atas Hilangnya Paket dalam Jasa Layanan Pengiriman Barang Melalui PT. JNE Wilayah Kediri. *Judiciary (Jurnal Hukum dan Keadilan)*, 11-22.
- Nababan, R., Anggusti, M., & S. L. Sirait. (2021). Perlindungan Hukum terhadap Konsumen yang Mengalami Kerugian Akibat Pengiriman Barang oleh Perusahaan Ekspedisi Laut Menurut Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Nommensen Journal of Legal Opinion*, 12-23.
- Negara, D. S., D. Darmawan, B. Gardi. (2021). The Approach of Consumer Reviews to Product Competitiveness and Management Strategies, *Journal of Social Science Studies*, 1(2), 149 - 154.
- Prasada, E. A., & Fauziah, L. (2022). Tanggung Jawab Penyedia Jasa Pengiriman Barang kepada Konsumen (Studi Kasus pada J&T Express di Kayuagung). *Jurnal Hukum Uniski*, 11(1), 59-71.
- Republik Indonesia. (2012). *Peraturan Pemerintah Nomor 82 Tahun 2012 tentang Penyelenggaraan Sistem dan Transaksi Elektronik* (sebagian dicabut dan diatur ulang dalam PP No. 71/2019). Lembaran Negara Republik Indonesia Tahun 2008 Nomor 58. Sekretariat Negara, Jakarta.
- Republik Indonesia. (2009). *Undang-Undang Nomor 38 Tahun 2009 tentang Pos*. Lembara Negara Republik Indonesia Tahun 2009 Nomor 46. Sekretariat Negara, Jakarta.
- Republik Indonesia. (2008). *Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (ITE)*. Lembaran Negara Republik Indonesia Tahun 2008 Nomor 58. Sekretariat Negara, Jakarta.
- Republik Indonesia. (1999). *Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa*. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 138. Sekretariat Negara, Jakarta.
- Republik Indonesia. (1999). *Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 tentang Perlindungan Konsumen*. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 22. Sekretariat Negara, Jakarta.
- Ridley, D. (2012). *The Literature Review: A Step-by-Step Guide for Students (2nd Ed.)*. SAGE Publications.
- Rieza, F., & Kadriah, K. (2020). Tanggung Jawab PT. Indah Logistik Cargo terhadap Rusak dan Hilangnya Barang Kiriman. *Jurnal Ilmiah Mahasiswa Bidang Hukum Keperdataan*, 4(1), 110-119.
- Saputra, R. D., Zanariyah, S., & Mirwansyah, M. (2022). Tanggung Jawab Pihak Penyedia Jasa Atas Pengiriman Barang pada PT. Citra Van Titipan Kilat (TIKI) Cabang Lampung. *Viva Themis: Jurnal Ilmu Hukum dan Humaniora*, 5(1), 13-28.
- Siregar, A. S., Iriansyah, I., & Afrita, I. (2021). Tanggung Jawab Hukum Pelaku Usaha Jasa Pengiriman Barang terhadap Kerugian Konsumen. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 8(7), 2398-2408.
- Snyder, H. (2019). Literature Review as a Research Methodology: An Overview and Guidelines. *Journal of Business Research*, 104, 333-339.
- Tampubolon, W. S. (2016). Upaya Perlindungan Hukum bagi Konsumen Ditinjau dari Undang Undang Perlindungan Konsumen. *Jurnal Ilmiah Advokasi*, 4(1), 53-61.
- Waters, D. (2011). *Supply chain risk management: vulnerability and resilience in logistics*. Kogan Page Publishers.
- Yang, C. S. (2019). Maritime Shipping Digitalization: Blockchain-Based Technology Applications, Future Improvements, and Intention to Use. *Transportation Research Part E: Logistics and Transportation Review*, 131, 108-117.

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