

Pelindungan Hukum terhadap Konsumen Peserta Lelang Online yang Diselenggarakan di Media Sosial = Legal Protection against Consumers Participating in Online Auctions Held on Social Media

Nasha Kalina Khairunnisa, author

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Abstrak

Kemajuan dalam bidang teknologi informasi dan komunikasi, terutama internet dan perangkat mobile, perlahan telah mengubah cara masyarakat sebagai konsumen dalam bertransaksi. Seiring berkembang dan meluasnya tradisi bertransaksi secara online, mulai bermunculan inovasi khususnya dalam dunia media sosial, salah satunya adalah praktik lelang yang semakin marak di platform media sosial seperti Instagram. Skripsi ini menganalisis mengenai pelaksanaan lelang melalui media elektronik yang diselenggarakan di media sosial Instagram menurut peraturan perundang-undangan yang berlaku di Indonesia mengenai lelang, serta pelindungan hukum terhadap konsumen peserta lelang online yang dirugikan yang diselenggarakan di media sosial Instagram. Penelitian ini dibuat menggunakan metode doktrinal, yaitu sebagian besar data penelitian berasal dari studi kepustakaan berupa perundang-undangan, peraturan pemerintah, keputusan menteri, buku-buku, serta jurnal hukum yang akan digunakan untuk menjawab permasalahan yang timbul dari rumusan masalah. Berdasarkan hasil penelitian, Lelang yang diselenggarakan melalui media elektronik yaitu media sosial Instagram tidak sesuai dengan peraturan perundang-undangan yang berlaku di Indonesia mengenai Lelang. Lelang yang diselenggarakan melalui media sosial Instagram tidak dapat dikategorikan sebagai Lelang apabila melihat ketentuan perundang-undangan mengenai Lelang, melainkan hanyalah merupakan transaksi jual-beli dengan cara yang menyerupai lelang. Upaya perlindungan hukum yang dapat diberikan kepada konsumen yang dirugikan karena tidak mendapatkan hak-haknya sebagai konsumen apabila mengacu kepada peraturan perundang-undangan terkait yaitu UU PK, UU ITE, PP PMSE, dan juga KUHP, antara lain perlindungan litigasi (melalui pengadilan) ataupun non-litigasi (di luar pengadilan). Sementara, terdapat pengenaan sanksi pidana yang dapat diberlakukan kepada pelaku tindak penipuan atas transaksi jual-beli online di media sosial tersebut. Instagram, sebagai platform media sosial dan bukan e-commerce, tidak memiliki wewenang untuk mengungkapkan informasi pribadi pengguna, sehingga implementasi perlindungan hukum dan sanksi terhadap pelaku usaha di media sosial Instagram seringkali sulit untuk diterapkan.

.....The improvement in information and communication technology, especially the internet and mobile devices, has slowly changed the way people as consumers transact. Along with the development and widespread tradition of online transactions, innovations began to emerge, especially in the world of social media, one of which is the increasingly widespread practice of auctions on social media platforms such as Instagram. This thesis analyzes the implementation of auctions through electronic media held on Instagram social media according to applicable laws and regulations in Indonesia regarding auctions, as well as legal protection for consumers who are harmed by online auction participants held on Instagram social media. This research is made using the doctrinal method, namely most of the research data comes from literature studies in the form of legislation, government regulations, ministerial decisions, books, and law journals that will be used to answer problems arising from the formulation of the problem. Based on the results of the research, Auctions held through electronic media, namely Instagram social media, are not in accordance

with applicable laws and regulations in Indonesia regarding Auctions. Auctions held through Instagram social media cannot be categorized as auctions when looking at the statutory provisions regarding auctions, but are only buying and selling transactions in a way that resembles an auction. Legal protection efforts that can be given to consumers who are harmed because they do not get their rights as consumers when referring to the relevant laws and regulations, namely the Consumer Protection Law, Electronic Information and Transaction Law, Government Regulation on Electronic Commerce, and also the Criminal Code, include litigation protection (through the court) or non-litigation (outside the court). Meanwhile, there is the imposition of criminal sanctions that can be applied to perpetrators of fraud in online buying and selling transactions on social media. Instagram, as a social media platform and not e-commerce, does not have the authority to disclose users' personal information, so the implementation of legal protection and sanctions against business actors on Instagram social media is often difficult to implement.