

Enhance Business Settings and Transactions in the Digital Age

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Abstract

In the current era of globalization, the ease and speed of obtaining something is highly sought after, including the ease and speed of obtaining financial services. This new method is a digital financial service that offers and provides convenience and speed of financial services. It is hoped that this method will provide convenience for the public to obtain financial services. But we need to remember that in our constitution, Indonesia is a state of law so that everything that is done in this country must be based on the law. Including digital finance businesses must be regulated and supervised by existing laws in Indonesia. Based on the research results, it is known that the financial business in Indonesia is regulated and supervised by three institutions, namely the Ministry of Communication and Information, Bank Indonesia, and the Financial Services Authority.

Keywords

business; financial services; new method



I. Introduction

The world changes so rapidly along with the times from year to year that previously every legal subject made buying and selling transactions carried out conventionally, which used to be learning that had to be done face-to-face between legal subjects and a group. Conventional/physical warfare, everything has changed, society as a legal subject must force itself to follow the changing world that will enter the Global Era 4.0, all perspectives of seeing the world from any angle must be sensitive and observant to see opportunities that come and must adapt to the consequences of changes in the Global Era 4.0, it can be seen from the competition of digital companies that are now increasingly mushrooming in Indonesia such as start-ups that have become unicorns for the Indonesian state because of their contribution to the income of the Indonesian state, it can be seen in the 2019 hoosuite report, the number of internet users in Indonesia is 150 million, growing by around 13 percent compared to the previous year. This figure reflects the needs of the Indonesian people for the digital market which will increase, it will result in the establishment of digital companies will be more widespread in the State of Indonesia, the State of Indonesia which in fact is a State of Law based on the 1945 Constitution to regulate behavior. and a legal umbrella for the community as legal subjects and legal entities, in this case companies engaged in the Digital sector, of course, must have a legal umbrella, legal protection, and legal rules for digital companies, so that later problems that arise can be resolved with the rules regarding companies in this digital era.

II. Review of Literature

The condition of digital companies in 2020 is so widespread in the State of Indonesia, this is created because of the high needs of the community as legal subjects in meeting the daily needs of the community, digital companies in this case are service providers for the community laws and actions of business entities in carrying out their

business. Furthermore, the company is a place for production activities and the gathering of all factors of production. A company that has been built is of course required to form a legal entity so that the company is legally legal, in addition to regulating the legality of a company, it also becomes a legal umbrella for a company so that later if there are legal problems within the company, both administratively and externally, rather than administrative, the legal umbrella is the protector for the company.

Gunawan and Sulaeman (2020) stated that, The rapid growth of technology has now enabled the internet to become one of the rapidly evolving advances in information technology. In this digital era the development of technology is developing very rapidly. This is because the world entered industry 4.0 where technology became the most basic thing in it. When the world undergoes a changing era, there are many things that also follow it or in other words, changes occur in several sectors of life (Sagita and Khairunnisa, 2020). In the Global 4.0 era, digital has begun to enter and influence civilization in a society, a new lifestyle appears in the behavior of the community in the buying and selling process which has an effect on the digital economy, in fact trading transactions or buying and selling as a form of agreement have been regulated in the Civil Code. , namely Book III concerning Engagement Law Number 40 of 2007 concerning Limited Liability Companies Law Number 17 of 2012 concerning Cooperatives Law Number 10 of 1998 concerning Amendments to Law Number. 7 of 1992 concerning Banking and Law Number 20 of 2008 concerning MSMEs (Micro, Small, and Medium Enterprises). In 2008 alone, the government has passed Law Number 11 of 2008 which has now been amended in Law Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE). In the law, an expansion of the interpretation of norms related to the digital economy, especially e-commerce, is carried out which still refers to conventional civil rules in the Criminal Code.

In simple terms, the industrial revolution 4.0 can be understood as the development of factory technology that leads to the automation and exchange of the latest data easily and quickly which includes cyber-physical systems, the internet for everything (internet of things), cloud computing (cloud computing), and cognitive computing. . Automation itself is a technique of using machines accompanied by technology and control systems to optimize the production and delivery of goods and services. In this technique, the role of human labor no longer dominates, because the work of robotic machines is able to work faster with better results in quantity and quality.

The company's legal rules in entering the 4.0 industrial revolution have not been specifically regulated regarding legal certainty for every digital company actor, especially for domestic digital company actors who will become masters in their own country.

Talking about a company cannot be separated from economic words because of buying and selling transactions, as we all know that so many companies are mushrooming digitally, the digital economy is an economic aspect based on the utilization and empowerment of digital information and communication technology. In Southeast Asia, the digital economy is growing rapidly along with the huge market potential. There are five technologies that have the most potential to trigger digital economic growth in the Southeast Asia region, these five things are mobile internet, big data, internet of things, automation of knowledge, and cloud technology.

Initially conducting conventional transactions, now it has turned into online transactions such as Tokopedia, Bukalapak, Shopee, Lazada which are the basis for buying and selling goods digitally, it is inevitable that there are many problems in the online buying and selling process such as:

2.1 Data Theft

Weak government supervision in regulating personal data is a gap for irresponsible parties to take advantage of consumer's personal data. Please note, until now online shopping has not been supported by adequate regulations in handling personal data. Thus, it is urgent for the government to immediately finalize the Law on Personal Data Protection and the Draft Government Regulation concerning Trading Transactions through Electronic Systems.

2.2 Damaged goods

Consumers need to ensure that there is a return policy in online shopping transactions. Because, not all marketplaces or online stores require sellers to provide return facilities to consumers. In addition, the purchased goods cannot be seen physically so there must be a guarantee if the goods sent are defective. Then, consumers also need to record the product code ordered and ask for a delivery receipt number if the ordered item does not arrive. The government should make a regulation in which the regulation provides protection for consumers and provides a sense of legal certainty for consumers regarding the legal rules for damaged goods which are allowed to be exchanged for new goods.

2.3 Items Not As Ordered

Referring to the Consumer Protection Act, this condition is a violation committed by the seller. In accordance with Article 4 of the Consumer Protection Law, consumers have the right to obtain goods and/or services and to obtain these goods and/or services in accordance with the exchange rate and the promised conditions and guarantees. In addition, consumers are also entitled to correct, clear, and honest information regarding the conditions and guarantees of goods and/or services.

In the fact that there are so many problems in the field regarding the information provided to consumers regarding the goods to be sold, it is dishonest with the condition of the goods to be sold to consumers, there should be strict rules made by the government against the perpetrators of selling goods not to commit fraud. on product information that will be purchased by consumers.

2.4 Fraud

In the buying and selling process, it is done the same as conventional, but in the process of creating an account, the product owner who will sell a lot of people who do fake identities so that if there is a buyer fraud, it is difficult to track who the original owner of the product seller's account is.

III. Results and Discussion

In the legal settlement of digital companies, this is very weak, this can be seen from the Information and Electronic Transactions (UU ITE) which provides two important things, namely, firstly, the recognition of electronic transactions and electronic documents within the legal framework of engagement and also the law of proof, so that the legal certainty of electronic transactions This can be guaranteed and the second is classified as an action that includes a legal violation qualification related to the misuse of IT (Information Technology) accompanied by criminal sanctions. And with the recognition of electronic transactions and electronic documents, at least this e-commerce activity has a legal basis.

If you look at the problems that occur above the State of Indonesia, in this case, it is still so weak to regulate digital buying/selling companies to ensure legal certainty for consumers, in this case the consumer feels a loss for the product he has purchased while the buyer cannot track who the original owner of the account that sells the product, the weak rule of law makes it so easy for digital companies from abroad to enter the country, which is a distinct advantage for foreign digital companies.

In the current era of globalization and free trade, there are many kinds of goods or services that are marketed to consumers, either through promotions, advertisements or direct offers.

If you are not careful in choosing the desired product or service, consumers will only become objects of exploitation by irresponsible business actors. And without realizing it, consumers take for granted the goods or services they consume.

The presence of this e-commerce provides extraordinary indulgence to consumers, because consumers do not need to leave the house to shop, besides that, the choice of goods or services is varied at relatively much cheaper prices. This is a very positive and negative challenge at the same time. It is said to be positive because this condition can provide benefits for consumers to freely choose the goods or services they want.

Although the legal aspects of online business and the Electronic Transaction Information Act have provided regulations regarding problems that may occur in trading through this online system, in reality this problem cannot be resolved only through the regulation of this Electronic Transaction Information Act. Because at this time, there is no easy complaint mechanism for those who suffer losses. In addition, this mechanism is also considered less suitable when applied to the complaint system in online business trading.

Prior to the issuance of Law Number 11 of 2008 regarding Information and Electronic Transactions (UU ITE), activities related to e-commerce were regulated in various laws and regulations such as Law Number 12 of 2002 regarding Copyright, Law Number 15 of 2001 related to Brands, as well as Law Number 8 of 1999 related to Consumer Protection and others.

This legal vacuum that regulates E-commerce also creates problems such as:

1. Authentication of legal subjects who make transactions via the internet. The definition of authentic evidence is very strong evidence that has met the cumulative requirements of the Criminal Code Article 1868, for example a letter made by or before a public official in power such as a notary and so on. . In this case, the authenticity of the data that is owned or included by the product seller is authentic data such as an official KTP (Kartu Tanda Sipil) issued by the relevant agency, so that it can be accounted for if there are problems in the buying and selling process.
2. When the agreement is valid and has binding force by law. The statement explains related to the terms of the sale and purchase agreement prior to the transaction of a product, regarding the condition of the product, product insurance in delivery, as well as information about the product to be sold.
3. The object of the transaction being traded. The existence of Law Number 8 of 1999 plays an active role in the development of industry in the digital era in today's society, because business actors and consumers have the right and obligation to obtain legal protection where the product remains of high quality.
4. Legal relations and responsibilities of the parties involved in the transaction (seller, buyer, banking, internet service provider, and others). The purpose of this explanation is to provide guarantees for the Principles of Consumer Security and Safety.
5. Legality of electronic record documents and also digital signatures as evidence.

Choice of law and authorized judicial forum in dispute resolution. One of the most powerful legal weapons of E-commerce consumers in legal choices to fight the actions of business actors that harm consumers is the UUPK (Consumer Protection Law) and the ITE Law (Electronic Transaction Information Law) to resolve disputes between consumers and business actors. domiciled in Indonesian legal jurisdiction can be resolved through:

3.1 Court Dispute Resolution

Settlement of e-commerce consumer disputes through the District Court refers to the general court provisions applicable in Indonesia .

3.2 Out of Court Dispute Resolution

E-commers dispute settlement out of court is held to reach an agreement on the form and amount of rygi/reimbursement regarding certain actions to ensure that there will be no re-occurrence of losses suffered by consumers. One form of E-commers dispute resolution from the implementation of consumer protection is the existence of the Consumer Dispute Resolution Agency/ BPSK. The BPSK settlement method is quasi judicial, so that it places more emphasis on the aspects of consolidation, mediation and arbitration, the decision is a win-win solution rather than a win-lose solution.

3.3 The Urgency of Online Dispute Resolution

An important step that must be taken to protect E-commers consumers is the existence of an online dispute resolution procedure for online dispute resolution or ODR itself with alternative dispute resolution, only in ODR case registration, election of arbitrators, decision making, document submission, deliberations, as well as notification of decisions are carried out online .

3.4 Consumer Protection Issues, Intellectual Property Rights, and Others

In the process of buying and selling transactions against companies in this digital era, of course, consumers must get legal certainty, legal protection as Indonesian citizens, not apart from that consumers must also understand the rights and obligations as consumers.

Another important thing that needs to be considered in this digital business and transaction is related to consumer rights. Because even though business activities and transactions take place digitally, the rights of consumers should not be ignored. These consumer rights include:

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 obtain such goods and/or services in accordance with the exchange rate and the promised conditions and guarantees.
3. The right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services.
4. The right to have their opinions and complaints heard on the goods and/or services used.
5. The right to get advocacy, protection, and efforts to resolve consumer protection disputes properly.
6. The right to receive consumer guidance and education.
7. The right to be treated or served correctly and honestly and not discriminatory.
8. The right to obtain compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or not as they should be.
9. Rights regulated in the provisions of other laws and regulations.

On the other hand, consumers also have obligations that they must understand, which include:

1. Read or follow information instructions and procedures for the use or utilization of goods and/or services for security and safety.
2. In good faith in making transactions to purchase goods and/or services.
3. Pay according to the agreed exchange rate.
4. Follow efforts to settle consumer protection disputes properly.

In today's digital world, not only in terms of the digital economy, but also mushrooming to the entertainment world in the State of Indonesia, the development of the industrial revolution 4.0 gave birth to so many companies that build digital entertainment through Youtube, Facebook, Podcast media that can be easily accessed by all ages. both from children to adults, once again the Indonesian government is very weak in regulating the rules regarding age-scale restrictions where videos made should not be watched by children this has an impact on changes in the regeneration of human resources in the country Indonesia, so don't blame it if the number of narcotics, free sex, violence is one of them because of the effect of watching videos that are published digitally which should not be watched by children, so it should be in terms of distributing videos that invite provocation, experiments are not spread freely, I hope the Indonesian government in this case must firmly make rules laws that provide a deterrent effect as well as legal sanctions for anyone who spreads provocation videos and digital videos that are not worthy of being shown to the public. I hope that the Indonesian government in this case must firmly make legal rules that provide a deterrent effect and legal sanctions for everyone who spreads provocation videos and digital videos that are not suitable for showing to the public. I hope that the Indonesian government in this case must firmly make legal rules that provide a deterrent effect and legal sanctions for everyone who spreads provocation videos and digital videos that are not suitable for showing to the public.

In relation to this effort to protect consumers, there are several principles that must be understood and fulfilled, namely:

1. The Benefit Principle mandates that all efforts in the implementation of consumer protection must provide the maximum benefit for the interests of consumers and business actors as a whole.
2. The principle of justice, the participation of all people can be realized to the maximum and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations fairly.
3. The principle of balance provides a balance between the interests of consumers, business actors, and the government in a material or spiritual sense.
4. Consumer Security and Safety Principles; provide guarantees for security and safety to consumers in the use, use and utilization of goods and/or services that are consumed or used.
5. The principle of legal certainty, both business actors and consumers obey the law and obtain justice in the implementation of consumer protection, and the state guarantees legal certainty.

The steps of the Indonesian government until 2020, for example, in the Youtube media, do not regulate regulations regarding the rules regarding submissions on Youtube media which should not be conveyed to the public in the delivery of dirty language, so that if we relate it to the principle of expediency, it is very far from the purpose of the principle of benefit.

Following are the laws governing companies in the digital era.

1. Law Number 11 of 2008 concerning Information and Electronic Transactions.

2. Law Number 3 of 2011 concerning Fund Transfers.
3. Law Number 7 of 2011 concerning Currency.
4. Law Number 8 of 1999 concerning Consumer Protection.
5. Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition.
6. Law Number 28 of 2007 concerning the Third Amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures.
7. Law Number 8 of 1997 concerning Company Documents.
8. Law Number 19 of 2002 concerning Copyright.
9. Law Number 30 of 2000 concerning Trade Secrets.
10. Law Number 31 of 2000 concerning Industrial Design.
11. Law Number 32 of 2000 concerning Layout Design of Integrated Circuits.
12. Law Number 14 of 2001 concerning Patents.
13. Law Number 15 of 2001 concerning Brands

IV. Conclusion

Although the legal aspects of online business and the Electronic Transaction Information Law have provided regulations regarding problems that may occur in trading through this online system, in reality this problem cannot be resolved only through the regulation of this Electronic Transaction Information Act. Because at this time, there is no easy complaint mechanism for those who suffer losses. In addition, this mechanism is also considered less suitable when applied to the complaint system in online business trading.

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